

**VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
January 28, 2021
7:00 PM
REMOTE MEETING VIA RINGCENTRAL**

Present: Chair Erik Cuthell; Member Maarten Reilingh, Member David Javsicas, Member Steven Appenzeller and Member Sherry Ou-Yang.

Chair Erik Cuthell opened the January 28, 2021 Meeting at 7:00m.

Chair Cuthell informed tonight's meeting is being held in accordance with NYS Executive Order 202.1 which governs the Open Meetings Law and makes it possible for the applicant and public to continue the business of the Village. Tonight's meeting is being held via Ringcentral and a transcript will be provided at a later date.

Chair Cuthell did a Roll Call for attendance:

Chair Cuthell – present

Member Reilingh - present

Member Javsicas – present

Member Appenzeller – present

Member Ou-Yang – present

Chair Cuthell announced there was a quorum for tonight's meeting.

Chair Cuthell thanked previous Member William Noonan for his service to the ZBA.

Chair Cuthell welcomed newly appointed Zoning Board Members Steven Appenzeller and Sherry Ou-Yang.

Chair Cuthell spoke on the Agenda item and what would be discussed this evening.

Chair Cuthell made a motion to accept and approve the minutes of the ZBA dated October 22, 2020. Motion seconded by Member Reilingh. Motion approved.

Members Appenzeller and Ou-Yang abstained from vote to approve due to not being Members at that time.

AGENDA ITEM #1.

Nick Sperry

28 Prince Street

Interpretation/Area Variance

Tax Parcel ID 6272-10-337721

Nick Sperry, Applicant, was present.

Chair Cuthell advised that applicant was seeking an interpretation due to there being a previous area variance and a question about the current usage of that which was previously granted a variance.

Chair Cuthell said this process will require that the Board come up with a statement and very likely to have to be run past Village Attorney, Victoria Polidoro, to make sure the Board's interpretation conforms to all the requirements because this body is defined as a legal body and what is said matters because it sets precedent.

Chair Cuthell asked Applicant Nick Sperry to speak.

Mr. Sperry said he does not understand why he needs a variance and that it was explained to him but is still not clear to him. Mr. Sperry indicated that in 1986 there was a variance granted for a carport without stipulation and without stipulation it made no mention that it could not be anything built above it or within that building footprint. Mr. Sperry spoke on building foot and said a carport as a garage becomes part of the dwelling and building foot print and if we refer to by-laws of the setbacks of Village Code it states 15 feet back from the property line and this is not a new deck and basically conforming and utilizing the existing building area or building footprint which was already accepted back in 1986, so for him to go for a variance to building within the footprint is unseen.

Attorney Polidoro indicated the application was for an interpretation and asked if he was intending to apply for a variance for the carport.

Mr. Sperry advised Attorney Polidoro was in conversation a few weeks ago with Mr. Kimble and himself and advised that he go for a variance and he said he is willing to do whatever he has to do in order to make everyone happy and not jeopardize the aesthetics or egress from the dwelling from which the carport/deck provides. Mr. Sperry said he was in conversation with the then building inspector, Sam Harkins, and egress was discussed and how they would get from the guest bedroom which egress window is on the roof top garden, about 34 feet up, and then being a roof top garden it is a residential space in an R3 category, with potentially 200 people up there, and what both his and Sam's concern was if there were people up there or in the bedroom and they had to get off - there is a long way down - and no access from the front of the building for fire rescue, so they took into consideration a carport/deck which would allow for a staircase to come down as well as egress from the second floor, without having to go through the kitchen, being that it is not an adjacent room and the kitchen being below the second floor.

Chair Cuthell asked when this conversation took place. Mr. Sperry said when he pulled the permit in 2009.

Attorney Polidoro felt the Board would benefit from a procedural overview.

Attorney Polidoro said that Mr. Sperry has submitted an interpretation, and maybe a variance, stemming from a notice of violation he received from the Building Department, for the use of the carport. Prior owners of this property has received a variance to construct a carport right to the property line within that setback, and if you look at materials the carport was going to be 10 foot high, so the ZBA reviewed the impacts of a single story carport and granted that variance, so the notice of violation is stemming from the fact that Mr. Sperry has turned the second story of

the carport into living space/usable patio. Mr. Sperry said this was not a habitable space. Attorney Polidoro said it is usable space and during their conversation she did not request that applicant submit a variance but said that was an option and applicant is doing this on his own. Attorney Polidoro said applicant has a notice of violation stemming from the intensification of the carport so Mr. Kimble found that the original variance that was granted did not include use of the roof as living space – it was for a single story carport. Mr. Sperry is now appealing that determination and is not asking for 2 things:

1. To decide whether Mr. Kimble was wrong and that the variance is not limited to just a single story carport and can be used for other things;
2. And applied for an area variance;

Chair Cuthell said in 2009 an application was made and in 2010 a building permit was issued and they don't see any plans from original building permit so does not know when the roof carport deck came into existence.

Mr. Sperry said there are plans and plans are in the folders. Chair Cuthell said from 2012. Mr. Sperry said they are on the original plans that he submitted to do building. Chair Cuthell said in 2009, but these plans by someone on Poughkeepsie were done in 2012, so the original building permit was issued on a different set of plans.

Mr. Sperry said he can understand the confusion and that all the plans were done a PC which crashed and lost everything, so if there is any questions on what was submitted or included on that submission for the building permit in 2009 there is a copy on file in the building department, which will show exactly what is on Tab 1 – page 3 – showing framing/posts for the carport/deck.

Chair Cuthell asked if he removed existing carport that was granted the variance and replaced it. Mr. Sperry said it was failing and he left the posts. Chair Cuthell asked when that was done. Mr. Sperry said in 2005-2006. Chair Cuthell asked if at that time was there a permit to remove and replace or was it part of the permit. Mr. Sperry said it was all part of the permit in 2009. Chair Cuthell said he would like to review the originals plans. Secretary Hart asked Mr. Kimble to speak on filed plans and advised that the plans are on file in the office with Mr. Sperry's open building permit. Chair Cuthell said he would like to see those because the original variance for the carport explicitly defines it as being 10 feet tall and nothing about anything else above it so original variance was for a shed roof carport so to assume that once that is there we can go up with it is point of this interpretation process is. Mr. Sperry said in conjunction with egress, yes. Chair Cuthell said egress is a building code issue and nothing to do with the ZBA.

Mr. Sperry asked if Zoning can actually go against the Building Code. Chair Cuthell said no and it has nothing to do with code and if you need an egress you have to find a way to do it, but if it violates Zoning then you have to find another way of doing it, or ask this Board for a variance.

Mr. Sperry said ok and he would essentially be going for a variance.

Chair Cuthell said the Board will have to do some research- along with Attorney Polidoro and Mr. Kimble and will look into and try to find if there is precedence for this, and if once something has been granted an area variance does that entitle you to do whatever you want with it subsequently. Mr. Sperry said it is a tough find and he has been looking.

Chair Cuthell said this Board will review and have to ask questions; but in trying to simplify what is going on and the fact that you want to build a staircase for egress to get out of the building down to this deck is secondary and that this Board is trying to figure out if the replacement of the permitted carport for which the area variance was granted is acceptable and assumed that replacing it with a structure lands in the same footprint but serves a different purpose is a change in use that requires a separate approval, and if this should have been picked up in the original permit process starting in 2009 will be very unfortunate, if that is the case, if that is the Board's determination is, but never-the-less still needs to be remedied; and why this Board needs to see the original plans.

Member Ou-Yang asked if in 2005-2006 the carport was replaced before the 2009 submission of the permit.

Chair Cuthell said the carport was built in 1986, original permit was in 2009 and the deck as it exists was done in the last 2-4 years. Mr. Sperry said the deck has been there since last 3-4 years. Chair Cuthell asked if applicant was saying that the structure was part of the plan approved when he applied for a permit in 2010. Mr. Sperry said correct. Chair Cuthell said he will review plans and discuss with Mr. Kimble and like to see an elevation showing this was always supposed to be a deck. Mr. Sperry said if the Board looks at the plans, but does not know if there is an elevation, as his copies were destroyed, says 36" guard with balusters; deck floor joists, deck posts. Chair Cuthell said this was in 2012 plans. Mr. Sperry said you will see that in the 2009 plans. Chair Cuthell said if it is, then this Board will have to figure out how to remedy a significant change in use for something that was explicitly given a variance for something else, and whether or not that violates something; and to make sure that whatever is agreed to here, that if falls within the rules, because if someone else comes along and wants to do the same thing somewhere else, this Board has to explain why it was allowed here. Chair Cuthell said it explicitly says in the variance that it was going to be 10 feet tall. Mr. Sperry said right. Chair Cuthell said there is a drawing included that shows a sloped roof so something in particular was agreed to and something else is there now and we have to figure out if the appropriate steps were taken along the way to make it all ok. Mr. Sperry why he says without stipulation is because some of what he has found through research is that if that original variance was granted and stipulated that you could not have a deck or a habitable space above it then you could not have that. Chair Cuthell said now, as then, it was a volunteer Board and no-one is a lawyer on the Board to think that that you have to include stipulations to prevent something that is not being asked for in case somebody in the future comes along and wants to do it, is asking a bit much of a non-professional Board, which is not saying it makes it less of an issue, but understanding a particular thing was asked for and a particular thing was given, and

now something very different is going on, we have to make sure the path from one to the other be walked with explanation so should it come up again this Board has defined what and how it has come to this conclusion.

Mr. Sperry said that is why he included research on egress and Code, and photos of the property, and said there is 13 ½ feet where the carport and deck is and on the other side he has 2 ½ feet between building and lot line, so there was nowhere else to put egress from the roof top deck or the guest bedroom.

Chair Cuthell said there could be alternatives, but this Board is talking about the use of the carport being turned into a carport & deck. Mr. Sperry said ok.

Member Reilingh spoke and said it is essentially the issue of interpretation is whether we agree with Mr. Kimble or not that this is an alteration. Chair Cuthell said we will need the input of plan work and research and provide a finding which will be a legal documents, and the end point of this is not to grant a variance but to grant an interpretation to define exactly how we see how the Codes that were interpreted.

Member Javsicas asked Mr. Sperry if the original variance specified the 10 foot carport with a shed roof? Mr. Sperry said he is not sure if it said shed roof. Chair Cuthell said there is a drawing included in the original application and original variance says dimensions of side long length and height of building to highest point of roof 10 feet and included in that application a pair of sketches of footings and slope of roof going from 10 feet to 8 feet and a foot and half from the property line, but asked if there was an issue there.? Mr. Sperry said he actually pulled it in and brought it in to 13 feet to stay within the lot line. Chair Cuthell said that would be part of the other application. Chair Cuthell replied to Member Javsicas saying the original application was done in 1986 and says 10 feet high with a slope roof.

Member Reilingh asked Mr. Sperry about the fence near the carport deck area and asked if he or the neighbor erected. Mr. Sperry said it was the neighbor's fence.

Chair Cuthell indicated the applicant included information on a staircase but this Board needs to look at the interpretation in asking us to determine whether the use as currently existing conforms to a footprint only variance that was really about how much side yard setback is going to be modified and for what its original intent was and whether changing it has any concern. Chair Cuthell said there seems to be concern on Mr. Kimble's part, and that Attorney Polidoro seems to agree, but feels we need more information, not from the applicant, but to review the complete plan work to piece the time line together and that this project has been going on a long time with changes along the way. Mr. Sperry said there has not been any changes along the way and the reason for the length of time was shortly after starting the project he was hit by a car on a motorcycle and had multiple surgeries and is now disabled and had a huge loss of income and was out of work for 4 years. Chair Cuthell said he is not suggesting since it is an open permit that it diminishes his standing.

Attorney Polidoro asked the Chair if he was suggesting that the Board take up the Interpretation first and put off the variance application until the interpretation is decided? Chair Cuthell said they have in front of them an application for interpretation and an application for an area variance as a separate issue which is a staircase from this deck down. Mr. Sperry said he was unsure what to submit.

Chair Cuthell said applicant has asked for an interpretation and the results of the interpretation will determine whether or not there needs to be a variance and feels the interpretation has to come first.

Mr. Sperry said he wants to see something solid and says that he cannot build on his existing building area/building footprint which that variance gave him that carport deck is part of any other part of this building, it is the foot print and that is done and history, call it grandfathered in a variance – call it what it is – it is done and part of the building area of the main dwelling. Mr. Sperry said it has 6x6 posts on concrete pillars and is solid.

Chair Cuthell said it may not be that simple and applicant circled interpretation on the application. Mr. Sperry said ok. Chair Cuthell said this Board will do an interpretation.

Mr. Sperry said when you start reading into the Code you need to find any logical explanation or interpretation whether it is habitable or non-habitable. Chair Cuthell said this Board will figure that out and do the interpretation.

Secretary Hart asked the Board to address for Mr. Kimble with any questions.

Chair Cuthell asked Mr. Kimble in his determination that this is a change of use which constitutes a need to update the variance and asked to explain that.

Mr. Kimble advised that the plans show the deck but no egress door out of the deck on that level, and applicant was talking about an egress off that deck with no plans and nothing showing any type of egress or stairway of that floor, but applicant adding now but was not on the original footprint. Attorney Polidoro asked if it showed a flat roof but no way to get to that flat roof. Mr. Kimble said right. Mr. Kimble advised Mr. Sperry on the original plans it wasn't shown that he wanted an egress off that top. Mr. Sperry said he was looking at what he has and inclined to agree on some level but there should have been a door there because it is a deck with rails. Mr. Kimble said there may have been intentions for egress but nothing on the plans and he can put an egress out of any area up on that floor. Mr. Kimble said basically it is just a deck with railings.

Chair Cuthell asked if the egress applicant is concerned about is the egress from the roof top garden. Mr. Sperry said yes and there needs to be egress by Code. Attorney Polidoro said the staircase does not exist yet. Member Javsic asked if it was on the plans. Mr. Kimble said if it is to Code and applicant wants to show the area he never showed that and should have been specified on original plans along with the variance. Mr. Sperry said yea should have been there

but was also in conversation with Sam Harkins to be the plan. Mr. Kimble said he cannot speak for him but just came in on this 4-5 months ago and the plans show nothing to do with egress.

Chair Cuthell asked Mr. Kimble if the issue was that now it would be used as a mounting place for a landing and a staircase down from the roof garden down to that deck and then it's going to need the area variance that we are looking at next for a staircase down to the ground. Mr. Kimble said yes. Chair Cuthell said the original design was just a deck and now being turned into something significantly more involved that would require a building permit.

Attorney Polidoro explained that from what she is understanding from Mr. Kimble, correct her if she is wrong, it showed a flat area with railings but without any doors to access that area and was decorative vs. usable. Mr. Kimble said yes.

Chair Cuthell asked if the door that exists there now which allows you to walk out onto the deck is not shown on any building plan. Mr. Kimble said right – and nothing shown for an egress stairway to the ground.

Chair Cuthell advised applicant that things have changed from the original plan and very possible that had these been included in the original building permit that the issue may have come up that this is more than just what was granted for the carport. Mr. Sperry said ok. Chair Cuthell said at which point the Board would need to do the actual application for the area variance to allow it to be built. Mr. Sperry said it is already built. Chair Cuthell said the staircase which is not built yet. Mr. Sperry said he is agreeing with him and these are conversations that he and Sam Harkins had to have a staircase coming down from the roof top deck and he did not draw anything up, and Mr. Harkins said he wanted to see the plans when he was ready to start it and he has since left and things got lost. Mr. Sperry said he respects his opinion and motivation to suggest that he open a new permit for the egress stairs to the roof top deck and being in his position makes perfect sense.

Chair Cuthell asked the Board for comment.

Member Javsicas asked when the roof top garden was built. Mr. Sperry said a long time ago – 2013-2014. Member Javsicas asked if the plan for the roof top garden was in the permit submitted. Mr. Sperry said correct. Member Javsicas asked applicant if he planned to build the roof top garden but at that time not a plan to build the stairs and idea came up later and confused if it was a safety issue why it was not included in the plans. Mr. Sperry said it wasn't part of the plans submitted because he and Sam Harkins were discussing how they would make that work and basically they came up with some ideas and that is essentially what you see here as the staircase coming down off the carport deck and he never asked for him to draw anything up or he never got to that point. Mr. Sperry said it makes sense to come with a staircase or whatever it is to come down, and apply for a permit for that staircase, in order to afford the legal necessary egress from the roof top garden as well as the guest bedroom window egress. Member Javsicas asked if he was using the roof top garden now. Mr. Sperry said he is not using it and still working on the house. Mr. Sperry said he wanted an organic garden and had

hot/cold running water and electricity. Chair Cuthell asked where the bedroom was and asked if it opened onto the roof top garden or on the 2nd floor. Mr. Sperry said it was on the 2nd floor with the mezzanine.

Chair Cuthell said the back corner of the house over the back door area has a railing around it. Mr. Sperry said that is a private deck off the master/rear bedroom. Chair Cuthell asked if there is a door under the light fixture that can't be seen in the submitted photos and that deck area above the back door is accessible from the master bedroom. Mr. Sperry said it is a private deck off the 2nd floor all the way up to the roof top garden. Chair Cuthell asked if there was a bedroom up there. Mr. Sperry said he didn't want the house to stand out and wanted it to blend in and he added windows and was told he needed a larger egress area, which he was aware of, and they decided to put up on the mezzanine and something that Sam Harkins told him he needed to do and then egress to the roof top deck garden and come down to the deck and how this whole thing came to be.

Chair Cuthell said but plans were never submitted and approved for that aspect of the job. Mr. Sperry said what aspect. Chair Cuthell said the aspect of an exterior staircase being constructed and said it was not on any plan. Mr. Sperry said you are right and he already agreed to that.

Chair Cuthell said this was pointed out by Clark and this changes the function of this carport roof deck and the question exists would this have been acceptable when the original variance was applied and is a big visible elements and impact and will require other stuff but that this Board is not here to debate the design or building Code but to make sure the intensification of use here is allowed. Mr. Sperry made note that the staircase in work may be something different like a circular staircase.

Attorney Polidoro said even without the staircase, as it exists, it is in violation because there is a door that has been installed to the deck, so there are 2 issues:

1. the proposed staircases
2. the deck that is now accessible as living space

Attorney Polidoro asked if the Board wants to schedule a hearing for the next meeting.

Chair Cuthell said yes.

Attorney Polidoro advised a public hearing is required with notices mailed to neighbors.

Member Reilingh asked if could stipulate before public hearing that the Board will have access to a copy of the 2009 plans on file in the building department. Secretary Hart suggested each member stop in the office to review.

Ways to review plans were discussed. Member Reilingh said he would like Mr. Kimble present if questions were asked. Mr. Kimble said he is available to review with members. Mr. Sperry asked if he could review plans. Secretary Hart said yes.

Chair Cuthell made a motion to schedule a public hearing for the Interpretation application of 28 Prince Street listed under Tax Parcel ID 6272-10-337721 for February 25, 2021 at 7:00pm. Motion seconded by Member Javsicas. All in favor.

Attorney Polidoro advised the Board on SEQR and to classify as a TYPE II Action.

Chair Cuthell made a motion to classify the Application for 28 Prince Street as a Type II Action which does not require any further environmental review. Motion seconded by Member

Chair Cuthell advised there was a second application for 28 Prince Street for an area variance seeking relief from Section 200-9-D-7 requiring a 15 foot side yard setback. Chair Cuthell said this application is for the staircase that would need to be constructed to get from this deck over the carport to the ground and applicant is seeking a staircase for various reasons off the deck toward the backyard right at the property line.

Mr. Sperry said that would allow him a complete path of egress from the garden roof top deck form the second floor guest bedroom that leads out the carport deck to grade level. Mr. Sperry said he was looking for ways around that but 1) close to the property line – 2) he had a septic tank and 500 gal. liquid propane tank in the rear that would need to be serviced. Mr. Sperry said there is a Section in the NYS Building Code – Section 1021 – egress balconies whereas the carport deck itself being that it is a minimum of 10 feet from exterior wall could be enough for egress to get up and away from the building, which would void the necessity for the staircase but again as Codes are they are open to interpretation and no one section or article to explain the feasibility or the legitimacy of any of these actions. Mr. Sperry said he is willing to work with the Board.

Member Reilingh asked if the stairway applicant was suggesting cannot come off the middle of the deck – so coming off the side by the neighbor's fence - can it come off the corner of the deck closest to the house. Mr. Sperry said no because it immediately impacts restrictive movement on the egress of the backdoor stairs.

Member Appenzeller asked about the spiral staircase and if he considered that option. Mr. Sperry said that is preferable but when he designed the house he wanted it to fit into the neighbor and it is unique but from the front it fits in, and the staircase that was illustrated as conceptual, is big, and ugly and takes away from the natural beauty of open space and would consider a spiral staircase which would be most aesthetically pleasing and can be done in such a way that it would satisfy R3 egress Code.

Member Reilingh said bottom line this would only be used for emergency use. Mr. Sperry said Ideally yes. Attorney Polidoro said once it is up you cannot limit its use. Mr. Sperry said the reason it was designed to put deck up there was to grow food. Chair Cuthell said you clearly have the option, in talking about a spiral staircase from the roof top garden down to the carport deck, you could easily install something to get from the master bedroom deck to the ground and provide access from the carport roof to the master bedroom area, or come down off the upper roof master bedroom deck and not be in violation of anything in terms in needing a variance. Mr. Sperry said how would he open the door if he has a minimum of 5 ½ feet it would take the entire half of the deck. Chair Cuthell ultimately that is not this Board's decision and we are talking about what is applied for. Mr. Sperry said he would like to avoid that and look at Section 2021 egress balconies and find a solution there.

Attorney Polidoro asked Mr. Kimble if he agreed that there needs to be a staircase off of the balcony. Mr. Kimble said applicant has options on that floor to go out of any window and he could put a rope ladder out in a residential setting and there are other options in other areas. Attorney Polidoro asked with what he has now, and what is built, is there another form of egress required to obtain a C/O or could it stay as it is. Mr. Kimble said in a residential 2nd floor as long as you have an egress going to the 1st floor you do not need an egress out of the 2nd floor. Mr. Sperry said even if you are going through a kitchen. Mr. Kimble asked if the kitchen was on the 2nd floor. Mr. Sperry said kitchen is on the 1st floor and the staircase opens up into the middle of the kitchen and Code states if it's an adjacent room you can go through a kitchen but the staircase cannot land in a kitchen for egress from the 2nd floor. Mr. Kimble said then plans were not drawn up correctly if it is bypassing through a kitchen. Chair Cuthell asked how many houses in the Village have 2 staircases in them. Mr. Sperry said the real question is how many houses in the Village have a staircase that opens up to a kitchen rather than the living room or front foyer. Chair Cuthell asked how you could expect to have a second staircase in the house and that this is not a unique situation. Mr. Sperry said he is referring to NYS Code. Chair Cuthell said we are getting outside of this Board's prevue.

Attorney Polidoro said we need to understand whether, because of balancing equities, is applicant required to put the staircase somewhere or is this something he wants for safety but is not required otherwise. Mr. Kimble said he is requesting is not for safety but does not need out of 2nd floor for a residential house.

Mr. Sperry said he would like to site with Clark and review. Mr. Kimble said they can review at another time.

Mr. Sperry spoke on Section 1016 – means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit. Mr. Kimble said he is familiar with that Code. Chari Cuthell said that would determine whether there is an alternative solution here or if this is even actually required.

Mr. Kimble advised Mr. Sperry that he has options to submit plans to him on an egress anywhere on that floor where there is a window. Mr. Sperry said there is only one legal egress window up on a mezzanine. Mr. Kimble said you want to use it off the deck but you had no intention before-hand because railings are completed on the deck now so to get approval something has to be submitted to the building department. Mr. Sperry said absolutely and prefers not to put a staircase on the property line because it would be more open to the neighbor and would like to sit and meet with you regarding egress balcony and Section 1021. Mr. Kimble said he can go over that with you.

Chair Cuthell said he was confused as to what can be done with this application.

Attorney Polidoro said applicant has applied for a variance for this exterior staircase and whether or not this Board decides that the carport can also be a deck he still needs this variance because this is going beyond that footprint. Chair Cuthell said correct, but is it no premature to debate the questions associated with this area variance request when we don't even know if it is going to be attached to something that is allowable and he personally knows there is a question about the property line and if this Board is talking about building something this close to a property line he would request a survey. Mr. Sperry said he submitted a site plan but there was a letter from Mr. Kimble stating that the lot line was 13/5 feet away from the building and he is 13 feet with the carport/deck and well within in. Chair Cuthell said ok but still need to see a survey to indicate where it is going to exactly be. Chair Cuthell said applicant indicated he moved the carport in a little bit. Mr. Sperry said he moved it, yes. Chair Cuthell said ok we need to see exactly where it is. Mr. Sperry said the staircase is going to inside the deck itself. Mr. Sperry said he has been trying to get a survey done and surveyors are all booked.

Chair Cuthell said he feels this Board cannot move on this until a survey is done.

Mr. Sperry asked if he can have the carport/deck, which he can, but can he have the door on the carport/deck and can he have egress stairs which you got to have because if he has people up there and there is a fire he would lose everything. Chair Cuthell said that is exactly why we need to figure out the interpretation first. Chair Cuthell asked applicant if he wanted to suspend this application until the Board resolves the interpretation issue. Mr. Sperry yes, put on hold, and possibly come with an alternative. Chair Cuthell asked applicant if he was to make a motion to table this application for the time being and not review further is that acceptable? Mr. Sperry asked if he was talking about the variance for the egress to grade. Chair Cuthell said yes, for the egress for the carport/deck to the ground.

Member Reilingh asked applicant about the photograph of the back of building and no question in his mind that a stairway alongside the house would be right in front of the window in the corner, which was not cool but ok, and applicant said it would somehow mess with the exit from the rear of the house and the big door and does not see that. Mr. Sperry said he would be taking steps down. Member Reilingh said ok - then it would have to go straight out and would be talking about running it to the landing. Mr. Sperry said yes.

Chair Cuthell made a motion to table the area variance application for 28 Prince Street until which time the Board has concluded the applicant's application for interpretation and tabled until further notice. Motion seconded by Member Reilingh. All in favor.

Chair Cuthell made a motion to close the January 28, 2021 ZBA Meeting at 8:27pm. Motion Seconded by Member Reilingh. All in favor.

Lara Hart,
Secretary
Village of Red Hook ZBA