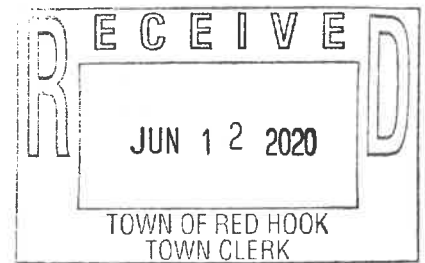


Town of Red Hook
Zoning Board of Appeals Minutes Approved

May 13, 2020



CALL TO ORDER

The remote meeting was called to order at 7:00 pm by Chairman Nick Annas. The remote meeting was livestreamed on the RHZBA Meeting YouTube Channel at that time.

ROLL CALL – Chairman Annas reads the roll call and asks each Board member to respond with present.

Chairman Nick Annas, Kate Karakassis, Chris Klose, Chris Carney each state they are present. Jim Hegstetter is absent. ZBA Attorney, Victoria Polidoro states she is present. ZEO Bob Fennell states he is present. ZBA Clerk Anne Rubin states she is present.

January 8, February 11, March 12, April 28 Special Meeting Minutes.

At 7:02pm Chairman Annas asks for a motion to accept the 1-8-20 meeting minutes. Chris Klose so moves, Kate Karakassis seconds. There is no discussion. In a roll call vote Chris Klose votes YES, Kate Karakassis votes YES, Chris Carney votes YES, and Chairman Annas votes YES.

At 7:03pm Chairman Annas asks for a motion to accept the 2-12-20 meeting minutes. Chris Klose so moves, Kate Karakassis seconds. There is no discussion. In a roll call vote Chris Klose votes YES, Kate Karakassis votes YES, Chris Carney votes YES, and Chairman Annas votes YES.

At 7:04pm Chairman Annas asks for a motion to accept the 3-11-20 meeting minutes. Chris Klose so moves, Kate Karakassis seconds. There is no discussion. In a roll call vote Chris Klose votes YES, Kate Karakassis votes YES, Chris Carney votes YES, and Chairman Annas votes YES.

At 7:05pm Chairman Annas asks for a motion to accept the 4-28-20 Special Meeting minutes. Chris Klose so moves, Kate Karakassis seconds. There is no discussion. In a roll call vote Chris Klose votes YES, Kate Karakassis votes YES, Chris Carney votes YES, and Chairman Annas votes YES.

Chairman Annas comments the meeting seems awkward – and states it may be due to the remote meeting format. Chris Klose thanks the ZBA Secretary for coping with the technology, and remote work environment. Chairman Annas states she has substantial tech support at home. Chairman Annas reads the agenda item below.

Public Hearing

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.

Anne Rubin asks the applicants and ZEO to state they are present. The applicants state they are present. Anne Rubin states she can see Bob Fennell, but thinks he cannot hear the meeting, or the other attendees cannot hear him. Victoria Polidoro calls Bob Fennell on the phone. Mr. Fennell subsequently dials in to the meeting via telephone, in order to have audio. Anne Rubin states there is an email received at 7:07pm from Tom Markunas stating the YouTube link is not working. Kate Karakassis states she is viewing the meeting via the YouTube channel. Charlie Rubin and Robert Rubin, Anne's husband and son, respectively, state they are viewing the meeting via YouTube. Anne Rubin calls Tom Markunas on the telephone. Mr. Markunas states he is looking at the RHZBA Meeting Channel and does not see anything current. Charlie Rubin states he knows how to help Mr. Markunas access the meeting via the YouTube Channel. He instructs Mr. Markunas to type "ZBA" into a search engine and look for "live events" – and then filter the results for live events, and indicates there are just 2 to choose from. Mr. Markunas is able to view the meeting from the RH ZBA Meeting YouTube Channel. Anne Rubin states Mr. Markunas can send an email to the ZBA office, and/or leave a voicemail on the ZBA Office phone, and she will enter it into the record. Bob Fennell enters the meeting and states he is present. Anne Rubin asks Chairman Annas to reread the public hearing statement, which he does.

At 7:20pm Chairman Annas asks for a motion to open the public hearing. Kate Karakassis so moves, Chris Klose seconds. Chairman Annas reads the roll call for the vote: Chris Klose: YES, Chris Carney: YES, Kate Karakassis: YES, Chairman Annas: YES.

Chairman Annas states there is no need to read the letter Tom Markunas has written since the Board members and the applicant have a copy. Jennifer Philipson confirms she has a copy. Chairman Annas states we don't know who is attending the meeting. Victoria Polidoro recommends the Board ask the applicant to summarize what they are asking for, so that people watching understand what the applicant is proposing, and then Ms. Polidoro recommends that someone read the public comments into the record. Jennifer Philipson states she is speaking for herself and for her mother, Fredrique Linnea Brown, who has also stated she is present. Ms. Philipson states she and her parents are proposing to build a 20' x 24' addition, the peak of which is 26.4' high. Ms. Philipson further states the proposed addition will be located on the north east side of the existing building, and will contain a great room, a bedroom and a bathroom. Victoria Polidoro asks Anne Rubin to share the applicant's Site Plan on her screen so the public can see it, which Ms. Rubin does. Chairman Annas asks for legal counsel, stating all present know the applicant's neighbor to the right, facing the house, is attending the meeting, and further notes we do not know if anyone else is observing. Chairman Annas further notes the Board will not know unless they call in and make their presence known to the Board. Chairman Annas further comments he hopes any person wishing to make a comment will do so. Chairman Annas further states all of the known parties involved have all of the documents already, and asks Ms. Polidoro if there is any reason the Board has to go back through it all, or if it could go directly to the discussion at hand. Victoria Polidoro responds, when the Board has a public hearing, notices are sent out to all neighbors within a certain number of feet of the property line – so they may be watching and interested in the application, and have not necessarily received a copy of the application. Ms. Polidoro further comments it is good practice to provide a summary, so that anyone watching can make an informed comment, or decide they don't want to comment.

Chairman Annas states these data are important to show what the current plan of the structure looks like, and exactly where the addition is going to go. Chairman Annas asks Anne Rubin to display the applicant's plans on the screen, and asks the applicant if she wants to proceed presenting her project using the plans displayed on the screen. Chairman Annas notes the first section of the drawings show the ground floor portion of the addition. Chairman Annas asks Anne Rubin to display the second floor drawings for the public. Chairman Annas asks Anne Rubin to display the elevations for the public, and further comments he thinks the neighbor is questioning the elevation shown on the left, which he will see from his residence.

Chairman Annas asks Anne Rubin if the Board is going to be able to hear the neighbor's voice on this matter. Victoria Polidoro states the way the meeting is set up is the public can call and leave a voicemail, which Anne Rubin will read aloud for the whole Board. Chairman Annas asks Anne Rubin if [Mr. Markunas] is able to call directly, to which Ms. Rubin replies he is not. She further states she will pick up emails and voicemails that come in to the ZBA Office, and that it is pretty instantaneous, but not direct. Chairman Annas asks if the Board can communicate in real time with the neighbor. Victoria Polidoro states the Board can, and further comments this is not how the hearing was noticed. Chairman Annas states the Board will proceed, but that it should not vote this evening. Chairman Annas states he objects to the meeting format, because it hampers the free exchange of ideas. Chairman Annas further states he finds the applicant has some very valid points she has come up with, and also notes he finds the neighbor also has some valid arguments for changes he would like to see. Chairman Annas states he finds these points need to be appropriately discussed. Victoria states there is a phone number where people can call in to the meeting, and further states the Board could give it out now to members of the public that are watching the meeting on YouTube, and let them in one by one from the [Zoom] waiting room.

Chairman Annas states he would bet there is only one person from the public who has any interest at this time and that is Thomas Markunas. Anne Rubin states she has not locked the meeting, and if the Board wishes, she can give out that number and Mr. Markunas can call in to the meeting, and he will be admitted. Victoria Polidoro states it is up to the Board, and the number would have to be given out equally to anyone who is watching. Anne Rubin asks Victoria Polidoro if it is sufficient for her to read the number out loud, to which Ms. Polidoro replies it is. Chairman Annas states he agrees with counsel's recommendation. Anne Rubin states the following number is for anyone watching the May 13, 2020 Town of Red Hook ZBA meeting remotely, and states and repeats the number, meeting ID and password, for anyone wishing to dial in to the meeting. Victoria Polidoro states the Board must wait for anyone to dial in, and recommends the Board read into the record the letters it has received. Anne Rubin asks Chairman Annas if he wants her to read the letter from Mr. Markunas, or if he would like to do so. Chairman Annas asks why this is necessary, if everyone who is involved in the meeting has already read it. Ms. Rubin responds there are possibly members of the public, watching the meeting on YouTube, who have not seen it.

Anne Rubin states the ZBA Office received this letter as an email attachment on May 11, 2020 from Thomas Markunas of 161 Country Club Drive in the Town of Red Hook, New York, and reads the letter [See Exhibit A]. Ms. Rubin states she had some difficulty loading the sun study videos into the Zoom meeting screen share, and asks ZBA members present to state their name and confirm they did receive them. Chris Klose states he received them. Chairman Annas states he received them. Chris Carney states he received them. Kate Karakassis is not responding and Anne Rubin notes she may be having technical difficulties. Ms. Rubin states she sees Mr. Markunas in the waiting room, and asks if she should admit him and continue reading the letter.

Kate Karakassis states she is back on the meeting, noting she had a technical glitch, and also noting she did receive the sun study videos submitted by Mr. Markunas. Jennifer Philipson comments there is a problem with reverb in the meeting. Anne Rubin asks Mr. Markunas to please turn off the YouTube meeting, since it is creating an echo. Mr. Markunas asks if he will still be able to hear the meeting, to which Ms. Rubin replies he will. Victoria Polidoro states Mr. Markunas can also simply mute the YouTube meeting. Anne Rubin asks Mr. Markunas to state his name, and notes she will continue reading his letter [See Exhibit A]. Anne Rubin asks Bob Fennell to comment on the lot coverage calculation which Mr. Markunas has questioned.

ZEO Bob Fennell states he used the Dutchess County Parcel Access Property Card, and states he took the square footage of all of the buildings, and added those up, and the total was the square footage of lot coverage. Mr. Fennell notes he included the proposed addition in the lot coverage calculation. Mr. Fennell comments he does not know how Mr. Markunas came up with the 16% number, and states he himself used the Assessor's data to arrive at 12.8% lot coverage. Chairman Annas states he did the same thing, and notes he came up with the same number. Chairman Annas asks if the Board can proceed with the discussion. Anne Rubin notes Mr. Markunas also submitted some email comments and asks Victoria Polidoro if she should read them into the record. Chairman Annas states Anne Rubin should go ahead. Ms. Rubin reads the emails [See Exhibit B], the first of which was received on May 13, 2020 at 8:16 AM, the second of which was received on May 13, 2020 at 10:20 AM, the third of which was received on May 13, 2020 at 7:26 PM, and the fourth of which was received on May 13, 2020 at 7:29 PM.

Since the last email discusses a survey, Anne Rubin asks Chairman Annas if he would like her to display it, and asks Chairman Annas, to indicate what he would like to do, now that Mr. Markunas is present. Chairman Annas asks ZEO Bob Fennell to respond to the question of the conversion of the proposed addition to an accessory dwelling unit or apartment. Mr. Fennell states he is not aware the applicant is proposing to have a kitchen in this addition, so it is a moot point. Chairman Annas asks Mr. Fennell if the applicant can add a kitchen via a Special Permit, if she wants to, and notes such a conversion, even at a later date, would have to go to the Planning Board. Bob Fennell states he would have to check the Zoning Law, and further states the proposed addition may not qualify as an accessory apartment due to its size, since it would have to be less than 35% of the principal dwelling, or 650 SF, whichever is the more restrictive. Mr. Fennell further states if the proposed addition were to meet these criteria, it is possible the applicant could add a kitchen, and confirms the applicant would need a Special Permit. Mr. Fennell states the proposed addition is some 840 SF, and notes the applicant is already beyond the 650 SF maximum. Bob Fennell confirms with Chairman Annas the proposed addition is two stories, and states the applicant could presumably have an apartment on the first floor, but adds he does not know how that would work. Mr. Fennell concludes it might be possible, and further notes the applicant might need variances, but notes the applicant is not proposing to have an apartment – a complete living unit there. Victoria Polidoro recommends the applicant respond to the issue, and Kate Karakassis agrees.

Jennifer Philipson states she and her mother have no intention of putting a kitchen in, and further notes this is why they have put the addition where it is. Fredrique Linnea Brown states her daughter, Jennifer Philipson, will have access to the [existing] kitchen, and Ms. Philipson states she would like to continue to use the kitchen. Ms. Philipson states the great room is planned for family get togethers [sic], and notes currently the family has no place large enough for the family, including the grandchildren, to gather. Ms. Philipson states the family would like to continue to share the house as it is now [with a single kitchen]. Ms. Brown concurs stating this includes use of the laundry room, which she notes is at the same end of the house as the shared kitchen. Ms. Philipson states she is currently sleeping in her mother's library, and notes it is right next to their

bedroom. Ms. Philipson notes the old cottages have thin walls. Ms. Philipson asks the Board if it has any other questions about the future plans for the addition. Kate Karakassis asks the applicant what the square footage of the existing home is, to which Ms. Philipson replies it is 1152 SF. Ms. Karakassis asks Ms. Philipson if there is any plan to install a sink or wet bar in the great room on the bottom floor of the addition. Ms. Philipson replies there would, if possible, be a sink, and further comments she is an artist, and notes it would be convenient for her to have a sink available for her work. Ms. Philipson states if she couldn't do it because the Board had concerns about the sink, she could accept that, noting it would be a minor inconvenience not to have it.

Chairman Annas asks Chris Klose and Chris Carney if they have questions for the applicant and/or the neighbor. Chris Klose asks the applicant, noting she and Mr. Markunas have been neighbors for some 30 years, if it would be possible for them to get together and figure out a solution. Mr. Klose notes Mr. Markunas is an architect, and the applicants have proposed something he objects to. Mr. Klose suggests it might be possible to consider the project in a different fashion. Mr. Markunas states he would be more than happy to work with the applicant, and further comments they never approached him with any of their planning. Mr. Markunas further comments he sees many, many options to give them an addition which would not impact his property so negatively. Ms. Philipson states she actually spoke to Mr. Markunas last year with her father present, before she had any plans drawn up, and notes it was he who suggested she build where they are proposing to build. Ms. Philipson states she does have some responses to Mr. Markunas' letter which she states she hopes will alleviate some of his concerns.

Mr. Markunas states he may have possibly had a ten second conversation with Ms. Philipson regarding her addition, and notes he never would have suggested she put up a 26' high structure 12' off of his property line. Mr. Markunas states the conversation was possibly misread, or misinterpreted. Chris Klose states trying to work out what happened in the past, and who said what to whom is really irrelevant. Mr. Klose states there may be more costly for the applicant and her neighbor to continue at loggerheads, based on what he has seen and heard. Mr. Klose states the applicant has already spent money to have plans drawn up, and notes her neighbor, Mr. Markunas, is an architect, and is concerned about her project. Mr. Klose recommends both parties sit down and work together to see how creative architecture could work, which would give the applicant what she wants, and some accommodation [sic] to her neighbor. Victoria Polidoro states she would like to remind the Board Mr. Klose is giving some practical advice, and further notes the Board is obligated to review the application in its current iteration. Ms. Polidoro further states, if, after hearing the public hearing testimony, and the comments from Board members, the applicant wants to take a step back and relook at the plans, they can let... Anne Rubin states the recorder file folder is full, and asks for the meeting to pause while she accesses a new file folder in the recorder.

Chairman Annas states he would like to address the ten issues Mr. Markunas has raised, and further states he would like to see if the Board members agree or disagree with anything the [applicant?] has to say regarding this. Chairman Annas comments the much of the letter is a matter of opinion, and further notes it does not provide the context in which it was written. Chairman Annas states he has visited the property twice, and notes the last visit was the afternoon of the day prior to the meeting. Chairman Annas states he is not sure he agrees with all of Mr. Markunas' comments.

Chairman Annas states Mr. Markunas asserts the proposed addition is too high and too close to his property line, and notes he agrees with the statement it is too close. Chairman Annas notes the existing structure is approximately 22' from the lot line, and further notes the proposed addition will jut out an additional 10', from the existing structure. Chairman Annas states he proposes that the applicant move the proposed addition to the left by 10'. Chairman Annas states in looking at

the artist's rendition of the proposed addition, the proposed height – Chairman Annas states he does not know if this is to the ridgeline or the gable, is 26', and further notes this is only 4' higher than Mr. Markunas' 22' high structure. Chairman Annas states Mr. Markunas' assertion the proposed addition is twice as high as the existing structure is irrelevant. Chairman Annas notes the height of the neighbor's house, on the other side of the applicant, looks to be about 20' high to the ridgeline. Chairman Annas states he does not consider the proposed height excessive. Regarding point number three of Mr. Markunas' letter, Chairman Annas agrees with Mr. Markunas the lot sizes around the pond are quite small. Chairman Annas notes that none of the properties around the pond may meet the 35' required side yard setback for the district, and further notes he does not believe Mr. Markunas' house meets the setback requirement. Mr. Markunas concurs, and states the RD3 overlay of their little development may be inappropriate. Chairman Annas states he agrees. Chairman Annas states he does not have a problem with the proposed addition effectively doubling the height of the house.

Regarding Mr. Markunas' assertion the applicant's lot is simply too small and too narrow, Chairman Annas states this is very subjective. Regarding Mr. Markunas' assertion the proposed addition will cast a significant shadow on his western elevation in the afternoon and early evening, Chairman Annas states the Board saw in the applicant's email today, there is a substantial tree line which divides the two parcels. Chairman Annas notes there are some evergreens which are at least 20' high, and further notes there is another row of pretty substantial deciduous trees, which have not yet leafed out. Chairman Annas states he was at the subject parcel, on the day prior to the meeting, between the hours of 4:00 and 5:00 PM, and further comments those trees alone put shadows on Mr. Markunas' property. Chairman Annas estimates this cover to be about 90%. Chairman Annas states he finds putting up the proposed addition will not have much effect on Mr. Markunas' property in terms of shade.

Mr. Markunas states a ZBA Board member was at his house on the day of the meeting. Kate Karakassis states it was she. Mr. Markunas states he was happy to see a Board member visiting the property she was reviewing. Mr. Markunas states Ms. Karakassis looked at everything, and further states he invited her into his house to look at the windows in his west-facing elevation. Mr. Markunas states every window had sunlight streaming through it – more or less – at 2:00 or 3:00 PM. Mr. Markunas states the light entering his home directly would be significantly diminished by the proposed 26' high structure 12' off of his property line. Mr. Markunas states this blockage of direct light is a real and significant effect. Chairman Annas states he looked at the proximity of the sun in the sky...Mr. Markunas interjects Chairman Annas was not in his house where he would have seen the windows, and the light coming in, which Mr. Markunas states will not come in anymore. Chairman Annas states he does not have to be in Mr. Markunas' house to see light coming in, and further states he can see where the light source is, where the shadows are cast, where the proposed structure is going to go, and where the shadow is going to go. Chairman Annas states he finds the proposed structure will only shade one window on the side of the house facing the proposed addition. Mr. Markunas states the proposed addition will shade his entire west elevation. Chairman Annas states they have a disagreement on this matter.

Mr. Markunas states Chairman Annas saw the sun studies he submitted, and states he is welcome to visit his house in the afternoon, and see for himself. Chairman Annas states ZEO Bob Fennell pointed out something regarding effective shading on a home not being a consideration. Bob Fennell states he did not say that. Chairman Annas asks Bob Fennell what he did say. Mr. Markunas interjects, stating with regard to negative impacts he disagrees strongly with that. Mr. Markunas further states any bit of shading on his property is an impact, significant or not. Chairman Annas states it is his opinion there is not much the Board can do about it. Victoria

Polidoro states one of the reasons there are setbacks is to keep houses separated from each other, for proper air, light, ventilation, etcetera. Ms. Polidoro notes the Board can consider impacts from reducing setbacks. Chairman Annas states this is why he suggests the side setback not be reduced. Chairman Annas further states he finds the structure should be moved so that it does not reduce the [existing] 22' side yard setback any further, and further notes he is not in favor of reducing it by another 10'. Chairman Annas states facing the house, [the existing side yard setback] would be to the left.

Mr. Markunas asks if he can make a suggestion that something else be studied in terms of the setback. Mr. Markunas states the proposed addition is currently positioned on the south east corner [of the existing house], and is close to his property. Mr. Markunas states he is suggesting the applicant take a serious look at moving the proposed addition to the south west corner of the structure. Mr. Markunas states he has looked at it himself, architecturally, and notes he does not see any reason why it wouldn't work in that location, and comments it would be that much further away from him. Chairman Annas states it would be further from him, but much closer to the other neighbors. Mr. Markunas states he is not sure the other neighbor, who he notes is a non-resident, would care about it. Mr. Markunas states he is sure it would be less of an issue for the other neighbor than it is for him.

Jennifer Philipson states she would like to address Mr. Markunas' concerns. Ms. Philipson states she also presented a sun study to the Board, and noted it was less elaborate than Mr. Markunas'. Ms. Philipson states she had some comments regarding Mr. Markunas' letter, which she states she thought should be brought before the Board. Ms. Philipson states she thinks the Board has addressed the lot coverage and the elevations, and notes there are a couple of other things she wishes to mention. Ms. Philipson states the proposed addition will not double the height of the existing house, and further notes the height of the existing house is 16', and the height of the proposed addition is 26'. Ms. Philipson notes the addition is an angled structure, such that it is not 26' in height overall. Ms. Philipson further states it is her understanding if an area around your house is improved, your property values will go up, not down, as Mr. Markunas asserts. Ms. Philipson states she understands Mr. Markunas' concerns about the shadows on his property, and further notes the entire property is surrounded by 60' to 100' tall trees, which will, in a week or so, bloom out, and put his house in shade for five months of the year. Ms. Philipson further notes the rest of the time the line of evergreens, currently between the two houses, creates shadow as well.

Ms. Philipson states the reason she and her mother would like to put the structure where it is, is because her mother likes to see if somebody is coming up the driveway, and further notes her mother will be able to see the driveway from the kitchen, if the proposed addition is located where they have indicated. Ms. Philipson states it is very important for her mother, and further states if they were to put the addition on the other side of the house, it would block access to the basement, and would block air flow through her parent's bedroom, which is a concern. Ms. Philipson states on the far side, closest to Tom's house is the septic tank. Ms. Philipson also states the neighbors' house, on the other side of the house, is 5' from the property line, which, she states, makes it almost impossible to build anything on that side. Ms. Philipson states they would have to take down many more trees on that side, and notes in the proposed plan, they only have to remove one tree – a catalpa which leans over the house. Ms. Philipson states these are shown in the paperwork she sent to the ZBA labeled "Current Tree Line" [See Exhibit C].

Mr. Markunas states he finds removing a couple of trees might be of some benefit, and notes all of the pine trees are on his property, and that he could take them down tomorrow. Mr. Markunas

states he finds the proposed structure is a permanent, solid, opaque structure – it is not a tree which will shed its leaves and let the winter sun stream into his home.

Kate Karakassis states she does not have the site plan, among the documents she received, stating the exact positioning of the proposed addition on the lot, in relation to the neighbors, further noting she visited the property on the day of the meeting and spoke to Ms. Philipson, Ms. Brown, and Mr. Markunas. Ms. Karakassis states she would like to see this document, if possible, and asks if the applicant can provide it. Ms. Karakassis also states she would like clarification from the applicant regarding the drawing labeled A2.0. Ms. Philipson states everything she has was sent to the Board. Ms. Karakassis asks Ms. Philipson to indicate if the part of the drawing A2.0 showing the portion of the proposed addition, which will face Mr. Markunas' house, is located on the upper left of the drawing, to which Ms. Philipson replies it is. Ms. Karakassis asks Ms. Philipson if the entire 26' of the elevation will be facing Mr. Markunas' house. Ms. Philipson states they could turn it so the peak would be facing Mr. Markunas' house. Ms. Brown asks why. Ms. Karakassis states she does not know if that would resolve any of the issues Mr. Markunas has. Ms. Karakassis states, regarding photographs of the treeline, and Mr. Markunas' building behind it, she finds the pine trees appear to be quite tall and mature, and notes it looks like any foliage they would have is above his roofline. Ms. Karakassis states she wonders if [vegetative] screening could be installed between the proposed structure and Mr. Markunas' property, and also asks Mr. Markunas what the life expectancy is for those pine trees.

Mr. Markunas states he does not know, and further states when he planted them, some 30 years ago, they were about 6' high. Mr. Markunas further notes the trees have exploded in height, but have left a great deal of gapping beneath them. Mr. Markunas states he would have to take them down if they ever developed a condition, and notes he would then be looking at the proposed structure. Kate Karakassis states 30 years is not so old for a pine tree.

Chris Klose asks Mr. Markunas to identify his house in the photograph of the treeline, displayed on the screen, and further asks him about the material covering his house, and if he plans to install siding. Mr. Markunas states he plans to install siding as soon as he can get his contractor back to his property, and further notes he cannot do so at this time. Mr. Klose asks Mr. Markunas if he got a permit for his addition, and if he had filed the drawings with everybody, to which Mr. Markunas replies he has. Victoria Polidoro states the Board gave Mr. Markunas a variance, and Mr. Klose states he recalls this, and also recalls there were no objections from the neighbors. Mr. Markunas states he put his addition on the east side of his house, and further notes there is no neighbor on that side for 400' to 500'. Mr. Markunas states the applicant's situation is quite different than his own, because she is proposing to put up a significant structure with a neighbor quite close to the east.

Chris Klose states he is dismayed at the lack of the two parties getting together, as he suggested early on, and trying to hash this out. Mr. Klose states he finds this is the best way, because the parties will come to an agreement, which is better than what they've got now. Mr. Markunas states he would love to see the applicant get the addition she wants to achieve, as long as it is not exactly where it is currently proposed. Mr. Markunas states he finds there are a half dozen solutions that are architecturally easily envisionable [sic], and further comments he does not know if the applicant has explored any other options. Mr. Klose states he has heard this before, and he finds this is Mr. Markunas' professional opinion, as an architect. Mr. Klose states he urges Mr. Markunas, as a neighbor, and an architect, to somehow offer his services so that he and Ms. Philipson, and Ms. Brown, can work this out, because, Mr. Klose states, it is causing too much aggravation for both sides. Mr. Markunas states he is all for that.

Victoria Polidoro recommends the Board check, at this point, for any other public comments. Anne Rubin checks the emails and phone messages, and there are none, save Mr. Markunas' email of 7:29 PM, which she already mentioned – which stated “Where is a site plan showing the proposed addition in relation to my house?”. Victoria Polidoro informs Kate Karakassis, and all present, the Board has received a survey, and asks Ms. Karakassis if she is watching the meeting on YouTube, so that Ms. Polidoro can bring it up on her screen. Ms. Karakassis states she is watching the meeting, and Ms. Polidoro displays the survey. Mr. Markunas states any “site survey” should include his property, and not just the applicant's, to which Ms. Polidoro replies it does show Mr. Markunas' house. Chairman Annas states he personally does not find this is necessary, since he has visited the property and looked at both parcels, and further states it is clear to him what is there now, and what the intent of the applicant is. Chairman Annas asks Chris Carney if he has any objections to anything the applicant is requesting, or recommendations for changes. Mr. Carney states he does not have any comments at this time.

Chairman Annas asks Kate Karakassis for her opinion on the requested variances, to which Ms. Karakassis replies she finds the proposed side yard setback is too close to the property line, and further states she would be disinclined to grant that variance request. Ms. Karakassis further states, in terms of privacy and noise traveling, she does find there is an issue of lowering the property value of the applicant's neighbor, Mr. Markunas. She notes the proposed side yard setback is too close for Mr. Markunas to reasonably enjoy his property, and further states she finds the shadowing is an issue. With regard to the shadowing, Ms. Karakassis states the issue is very much complicated by the trees and the fact that the Board cannot really see what is going on there. Ms. Karakassis states she finds the request for an increase in the lot coverage to be less problematic.

Chairman Annas states he does not see a problem in increasing the lot coverage, and notes the 7% maximum coverage in the district would allow for 9000 SF of coverage on a three acre lot, and further notes the applicant is nowhere near that. Chairman Annas notes the applicant's proposed lot coverage is less than what Mr. Markunas currently has. Chairman Annas reiterates his position that he finds the existing side yard setback, of 21.9', should not be reduced at all, and further notes he finds the other side yard setback should not be reduced either. Chairman Annas states, other than that, he has no objections about what the applicant plans to do. Victoria Polidoro states the Board understands, for anyone watching, that Mr. Markunas' house is here [she indicates an area shaded in pink, on the survey submitted by Jennifer Philipson]. Chairman Annas confirms it is correct, and Kate Karakassis states she is watching the meeting, and sees the area indicated, but does not see the pointer.

Chris Klose notes Mr. Markunas has spoken of six solutions he has for the applicant, and the fact that he is willing to meet with them. Mr. Klose asks the applicant if she is willing to meet with Mr. Markunas, and, if possible, go back to the drawing board. Mr. Klose states the application, as it has been submitted, is a very direct and straightforward reading, which doesn't accommodate a solution that is going to be attainable for both sides.

Anne Rubin and Victoria Polidoro note there is a reverb from YouTube, and ask everyone to either turn it off, or mute the YouTube livestream. Chairman Annas asks Victoria Polidoro if the Board can recommend to an applicant how they proceed from here, to which Ms. Polidoro replies, the Board can recommend what the objectives are, and what constraints it will put on an applicant. Ms. Polidoro states she is aware the applicant is working with a different architect. Ms. Polidoro further reiterates the Board is required to review the application as submitted, and notes the Board heard objections from the public, and the Board members stated various concerns they have with that proposal. Ms. Polidoro further states it is up to the applicant to decide whether or not they

want to move forward with the proposal, and ultimately, have the Board vote, when the Board is ready, or whether they want to go back and reconsider the proposal before the ZBA. Chris Klose states this last would be his recommendation to the applicant. Chairman Annas states his recommendation to the applicant is to avoid reducing either of the existing side yard setbacks. Kate Karakassis states she has now seen the survey, and withdraws her request, and further states she strongly suggests the applicant consider turning the building around so that the gabled end faces Mr. Markunas' property, rather than the full length of the roofline, if that's an option the applicant were willing to reconsider in the application. Chairman Annas states that would reduce the shadow projected onto Mr. Markunas' property.

Jennifer Philipson states she had previously suggested she would be willing to rotate the building so that the gable would follow the same path as the peak of the current structure's roof, if that would help alleviate Tom's problems, and further notes she and her mother do feel strongly about where the building is – where it sits. Ms. Philipson states she would be willing to talk to her architect. Mr. Markunas interjects stating the alternate location of the roofline would be unquestionably helpful, and further notes he would like to suggest the applicant's proposed 45 degree pitch on the roofline is atypical of architecture in this part of Dutchess County, and in the homes around the lake. Mr. Markunas suggests a 30 degree pitch would be more in keeping with existing homes. Mr. Markunas also recommends reducing the overall height of the structure. Chairman Annas asks the Board members if any of them have comments on Mr. Markunas' statements. There are no comments. Chairman Annas reiterates his only concern is the reduction of the 21.9' existing side yard setback. Mr. Markunas asks Chairman Annas to consider the 30 pitch, to which Chairman Annas replies this is beginning to get into architectural preferences, which, he states he does not want to do. Mr. Markunas states this is an easy idea to reduce the negative impact he is feeling. Victoria Polidoro states she thinks the Board should hear from the applicant regarding what her preference is, and whether she wants to come back with new ideas or not.

Jennifer Philipson states her mother has indicated to her she actually likes the pitch of the roof, and would prefer to keep the building where it is, and the roofline in the direction it is in. Ms. Philipson states she does not find what they are asking for is unreasonable, and further states it is important for them to have a place where they can live that is comfortable. Ms. Philipson states she has moved here to take care of her parents, who, she states are in their 70s. She also notes as they get older, things will be more challenging for them. Ms. Philipson also states she needs some space of her own, and comments she does not feel they are being unreasonable. Ms. Brown states the design of the building is sound, and very beautiful, and further states they worked with David Borenstein on putting the whole thing together, for many hours. Ms. Brown states she finds it lovely, and also states she does not see why it has to be altered. Chairman Annas states he has no comments on the aesthetics of the building, and notes his only concern is the side yard setback reduction from 21.9' to 11.9', which he states finds unreasonable. Chairman Annas asks the applicant if she would consider moving the proposed addition 10' over, to which Ms. Brown replies she would consider it. Jennifer Philipson asks Chairman Annas if this would be sufficient to get it, to which Victoria Polidoro replies the Board cannot pre-judge. Ms. Polidoro states the Board members cannot give an applicant a yes-no opinion before they have seen anything and evaluated it. Ms. Philipson states she finds that is fair.

Victoria Polidoro states it sounds like the public hearing is going to be continued, and the applicant will decide, with a follow-up letter, whether she is going to proceed with the current proposal, or modify it in time for the next meeting. Chairman Annas asks the applicant what is the wall height in the upstairs room, and if that is a flat ceiling, noting it does not appear to him to be, since he

sees a dormer in the drawings, which implies to him there will be some portion of a cathedral ceiling in that room. Jennifer Philipson replies if you look at the plans, yes it is going to be a dormer to add height to the bedroom, and further states there would be 6' of space where the ceiling meets the wall on the second floor. Chairman Annas states your cathedral ceiling goes from the wall up. Mr. Markunas states he finds 6' of wall, and then the ceiling starts is not a code-compliant condition, and notes a minimum of 7' of wall height is required for it to be considered a habitable space. Anne Rubin asks ZEO Bob Fennell to comment, and Mr. Fennell states 6' of wall height would not meet the height requirements of the Building Code. Ms. Rubin asks Mr. Fennell to state what the wall height requirement is, and Mr. Fennell replies he is no longer the Building Inspector, and does not have that information at hand. Ms. Philipson reviews the drawing and confirms it is 6' on the drawing, and further states her architect will make sure whatever is planned will be code-compliant.

Mr. Markunas states he would be agreeable to having the applicant get her 960 SF addition, which, he states he finds is a very, very decent addition, with some modifications to the setback, the roofline, and that sort of thing. Mr. Markunas states he thinks the applicant should be amenable to that. Victoria Polidoro asks Chairman Annas if he would like her to display the floor plans, to which Chairman Annas replies he would, and notes there is nothing that shows the interior height.

Victoria Polidoro states she finds, at this point, this is what the applicant has presented, and this has the height on this page, but not the interior, it is the exterior heights. Ms. Polidoro further notes the applicant has indicated she does not want to change anything at this point, and comments it is almost 9:00 PM, and recommends the Board continue the hearing, and states the applicant can give the Board any additional information she wants to, before the next hearing, as can any member of the public. Chairman Annas states he finds the applicant has a sense of the Board's concerns.

At 8:58 PM Chairman Annas asks for a motion to continue the public hearing to the June 10, 2020 meeting, to begin at 7:00 PM. Chris Klose so moves and Kate Karakassis seconds. There is no discussion. Chairman Annas calls for a roll call vote. Chris Klose: YES, Chris Carney: YES, Kate Karakassis: YES, Chairman Annas: Yes.

At 9:00 PM Chairman Annas asks for a motion to adjourn the meeting. Chris Klose so moves and Chris Carney seconds. Chairman Annas calls for a roll call vote. Chris Klose: YES, Chris Carney: YES, Kate Karakassis: YES, Chairman Annas: Yes.

The meeting is adjourned.

