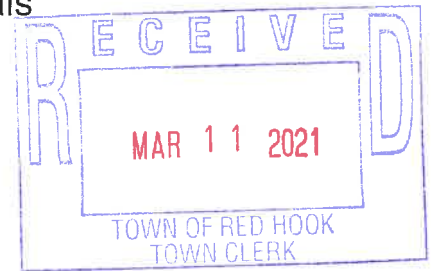


Town of Red Hook Zoning Board of Appeals
Approved Minutes August 04, 2020



Preliminaries

ROLL CALL

The meeting is called to order at 7:03pm. Chairman Annas asks for a roll call for the attendance: Chris Klose states he is present, Jim Hegstetter states he is present, Kate Karakassis states she is present, Chairman Annas states he is present. Chris Carney is absent. Victoria Polidoro, ZBA Attorney, and Anne Rubin, ZBA Clerk also state they are present. ZBA Applicant for Appeal 20-02 is also present.

JULY 08, 2020 MEETING MINUTES

At 7:03pm Chairman Annas asks for a motion to accept the July 08, 2020 draft minutes as written. Chris Klose so moves, and Kate Karakassis seconds. Chairman Annas states his wants to put of a vote on these minutes until the next meeting.

COMMENTS FROM THE CHAIR

Chairman Annas asks ZBA Attorney Victoria Polidoro if public meetings will continue remotely, or begin taking place in person, to which Ms. Polidoro replies New York State Governor Cuomo will wait until the next evening to announce a decision.

PUBLIC HEARING

Cara Jackson application for two area variances to construct a 500 SF addition on the subject parcel, which would result in a 14.5% Building Coverage, to be located 6 feet from the side yard lot line of the subject parcel. Town of Red Hook Zoning Law Section 14312, The District Schedule of Area and Bulk Regulations, limits maximum building coverage in the R1.5 Zoning District to 10%, and requires a minimum 20' side yard lot line setback for the principal building. The subject parcel is located at 4 Cornell Avenue, in the R1.5 Zone, of the Town of Red Hook.

At 7:16pm Chairman Annas asks for a motion to open the public hearing. Chris Klose so moves, Kate Karakassis seconds, and Chris Klose, Kate Karakassis, Jim Hegstetter, Chairman Annas, and all state AYE.

At 7:17pm Chairman Annas asks for a motion to declare the Action a Type II under the New York SEQRA, to which Jim Hegstetter, Kate Karakassis, Chairman Annas, and Chris Klose state AYE.

Victoria Polidoro states, for the record, there was one email, no member of the public has contacted ZBA Clerk, Anne Rubin, and there is no member of the public in the Remote Meeting online Waiting Room.

At 7:19pm Chairman Annas asks for a motion to close the public hearing. Chris Klose so moves, Jim Hegstetter seconds and Chris Klose, Kate Karakassis, Jim Hegstetter, and Chairman Annas all state AYE.

Chairman Annas asks the applicant, Cara Jackson, if she has any further information for the Board, to which Ms. Jackson replies her backyard is roughly three times the size of her neighbors' backyards, and she states her lot is the second largest in the subdivision. Chris Klose asks if there are trees on the rear fence line, to which Ms. Jackson replies there are a couple.

The Board agrees the following facts were discovered at the review meeting and the public hearing.

1. The College Park Subdivision, in which the subject parcel is situated, was created in 1957, and, as such, predates zoning in the Town of Red Hook.
2. Average lot sizes in the College Park Subdivision are smaller than the minimum lot size required in the R1.5 District.
3. The prevailing conditions in the neighborhood include additions, garages, and sheds on relatively small lots. A not insubstantial number of properties in the subdivision have side and rear lot line setbacks which are non-conforming, insofar as they are closer to the lot lines than the required 20' minimum.

4. The neighbor of the applicant, who will be most affected by the construction of an addition six feet from the shared, side yard lot line, has voiced no objections to the proposal.

5. The applicant has stated the proposed addition cannot be rotated, and thus sited farther away than the proposed six feet, from the side yard lot line, due to the location of her septic system.

6. The applicant has stated she originally studied the concept of a second-floor addition, and was informed she would have to replace and upgrade the slab under her house, at a cost of \$30,000 - \$40,000, if she were to construct a second-floor addition, as opposed to a ground floor addition, which would require no replacement of the slab.

7. The applicant has submitted a survey to the Board which shows the location of her home, a former deck, which has been removed, a shed, a driveway, and a shed, belonging to the neighbor to the right of her property, which sits, nearly directly, on the shared lot line.

Chairman Annas reads the six ZBA findings and the Board responds as follows:

1. The two variances requested will not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties:

Kate Karakassis states ordinarily, six feet from the property line is way too close, and further states, in the absence of any objections, and due to the prevailing conditions in the neighborhood, she agrees with statement number one. Chris Klose, Jim Hegstetter, and Chairman Annas state they agree with finding number one.

2. The needs of the applicant cannot be achieved by other than an area variance.

Kate Karakassis, Chris Klose, Jim Hegstetter, and Chairman Annas all state they agree with finding number two.

3. The two requested variances are substantial.

Kate Karakassis, Chris Klose, Jim Hegstetter, and Chairman Annas all state the two requested variances are substantial.

4. The two requested variances will not affect the physical or environmental conditions in the neighborhood.

Kate Karakassis, Chris Klose, Jim Hegstetter, and Chairman Annas all state they agree with finding number four.

5. The hardship for which the requested variances are sought to rectify is self-created.

Kate Karakassis, Chris Klose, Jim Hegstetter, and Chairman Annas all state they agree with finding number five.

6. The two requested variances being granted are the minimum variance to meet the needs of the applicant.

Kate Karakassis, Chris Klose, Jim Hegstetter, and Chairman Annas all state they agree with finding number six.

Chairman Annas asks Victoria Polidoro if the Board needs to go through the six-pronged balancing test for each variance for the two variances, to which Ms. Polidoro replies it is not necessary, since the facts and the findings for both were made together.

At 7:34pm Chairman Annas asks for a motion to grant the two requested variances, for a six foot side yard setback, and a 14.5% lot coverage. Kate Karakassis so moves, Chris Klose seconds. The Board votes as follows:

Kate Karakassis AYE, Chris Klose AYE, Chairman Annas AYE, Jim Hegstetter AYE.

At 7:38pm Chairman Annas asks for a motion to adjourn the meeting. Chris Klose so moves and Kate Karakassis seconds.

Kate Karakassis, Chris Klose, Jim Hegstetter, and Chairman Annas all vote AYE.

The meeting is adjourned.