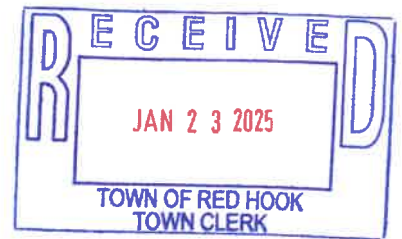


Town of Red Hook ZBA
Approved, Revised Meeting Minutes
December 11, 2024



Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:00 pm, and asks Clerk Rubin to conduct the roll call. Chris Carney, Chris Klose, and Chairperson Karakassis state they are present. Also, present are ZBA Attorney, Janis Gomez Anderson and Town Board Liaison, Bill Hamel. Board member John Bonavita Goldman is absent.

Approval of November 13, 2024 Draft Minutes

At 7:01 pm Chairperson Karakassis asks for a motion to approve the November 13, 2024 draft ZBA minutes. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of approving the November 13, 2024 draft ZBA minutes.

Planning Board Minutes and Comments from the Chair

Chairperson Karakassis states the Planning Board's current work has no implications for the ZBA

In her comments, Chairperson Karakassis informs applicants Trilby and Leonard Sieverding, and Jordan Valdina, of Synergy Design, Architecture & Engineering, PLLC [hereinafter "Synergy Design"], the owner consent forms they submitted, with their applications, require a notarized signature. Clerk Rubin states she will provide the relevant documents to the applicants, the following day.

Public Hearing

ZBA 24-09 Adam and Michelle Castiglione, represented by Jordan Valdina, of Synergy Design and Architecture, PLLC, application to construct a 28' x 48' two-bay-detached-garage, ten feet from the side yard property line. Section 143-18 of the Town of Red Hook Zoning Law does not permit an accessory structure, greater than 192 SF, to be located less than 20' from any lot line. The subject parcel is located at 7 Whalesback Rd., in the Town of Red Hook, in the RD-3 Zoning District.

Chairperson Karakassis reads the agenda item, and asks for a motion to declare the Action Type II under SEQRA. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of declaring the Action Type II under SEQRA.

Chairperson Karakassis notes the ZBA Office received a neighbor response from a Mr. Wills, who stated he was not in favor of the project [See Exhibit A]. Mr. Wills telephoned the ZBA Office on November 26, 2024, at 11:52 AM, leaving a voicemail, stating he wished to speak to someone from the ZBA. Clerk Rubin passed this message on to Chairperson Karakassis, who then returned Mr. Wills's call, and left a voicemail. Chairperson Karakassis states Mr. Wills never returned her call to him.

At 7:07 PM Chairperson Karakassis asks for a motion to open the public hearing. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of opening the public hearing.

Chairperson Karakassis asks if there are any members of the public present, who wish to comment on ZBA 24-09 Castiglione. There are no members of the public present who wish to comment on this application.

At 7:07 PM Chairperson Karakassis asks for a motion to close the public hearing. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of closing the public hearing.

Chairperson Karakassis states Fact Number One as follows:

Pursuant to the Town of Red Hook Zoning Code §143-36 G, a prior variance, granted in May, 2022, for the same relief requested in this application expired, because the applicants did not commence construction within a year of its granting. The 2022 variance allowed construction of a garage, slightly larger than that currently proposed, to be built in the same location requested in the current application. Applicants now wish to move forward with construction, necessitating this application for a new variance.

Chairperson Karakassis states Fact Two as follows:

Other than that the proposed garage is smaller than the one proposed in the previously granted variances, the ZBA is aware of no other change in facts.

The Board reviews and votes on the five ZBA Questions [See Exhibit B Variance Resolution 24-09 Castiglione].

At 7:09 PM Chairperson Karakassis moves to grant the requested variance. Chris Klose seconds, and all Board members present vote in favor of granting the requested variance.

Review

ZBA 24-10 Trilby and Leonard Sieverding application to construct an approximately 544 SF two-bay, detached garage, approximately five feet from the property line. The Town of Red Hook Zoning Law, Section 143-39.1, requires a minimum front yard setback of 25', for non-residential structures. The subject parcel is located at 251 Yantz Rd. in the ABD Zoning District, of the Town of Red Hook.

Chairperson Karakassis reads the agenda item and at 7:10 PM moves to declare the Action Type II under SEQRA. Chris Klose seconds, and all Board members present vote in favor of declaring the Action Type II under SEQRA.

Chairperson Karakassis states the application is a material misrepresentation, since the garage in the prior application no longer exists, and further states the applicants will need to amend the application to reflect current conditions. Chairperson Karakassis states the Board must consider the present variance request as a new variance request. Mr. Sieverding states he could not get in and out of the former garage safely, since it was too close to the road, and further states he wishes to construct a two-bay garage.

Ms. Sieverding states the Town gave them a demolition permit to demolish the old garage, and they were then told, during a pad inspection, they needed a new variance. Chairperson Karakassis states the Board cannot speak to the demolition permit, and further states Ms. Sieverding, as a former ZBA member, and Mr. Sieverding, as an architect, would be expected to understand the ZBA application process, and know their prior variance had lapsed.

Chairperson Karakassis notes the neighborhood is rural and open, and does not have buildings so close to the road. Mr. Sieverding replies there is a historical context for placing buildings close to the road, to which Chairperson Karakassis replies the Board must consider the neighborhood as it exists today, and current zoning. Chairperson Karakassis asks the applicants if there is another location for the proposed garage, on the applicants' large parcel. Mr. Sieverding states there is a stream, along the north property line, which crosses under the road, in a culvert, just to the north of the house, and empties into a neighbor's pond. Mr. Sieverding also states the location of the septic field, to the south of the proposed garage, a retaining wall behind the proposed garage, and a grade change of approximately five-and-a-half feet from behind the house and proposed garage, to the front door of the house, makes any other location impracticable. Clerk Rubin displays the applicants' site plan on the smart screen, and the Board and Mr. Sieverding review the location of the stream, septic field, retaining wall, a barn, and grade of the land. Chairperson Karakassis also consults an aerial image of the subject parcel from Dutchess County Planning.

Chris Klose asks if the demolition permit was given, should the Board grant the variance request due to the retaining wall, septic line, and septic field.

At 7:32 PM Chairperson Karakassis moves to set a public hearing for ZBA 24-10 Sieverding, on Wednesday, January 8, 2025, the next, regularly scheduled ZBA meeting. Chris Klose seconds, and all Board members present vote in favor of scheduling the public hearing, at the next ZBA meeting, on January 8, 2025.

ZBA Attorney, Janis Gomez Anderson refers to prior variance 16-01, and asks the applicants if they are still intending to reuse some of the old materials, to which Mr. Sieverding replies they will not, since the posts were in poor condition, due to powder post beetles. Ms. Gomez Anderson asks about the entrance on the side of the proposed garage, opposite the two bays, to which Mr. Sieverding replies the proposed garage will have two entrances, with garage bay doors facing the house, and a smaller entrance on the opposite side for lawn mowers and equipment.

Chairperson Karakassis asks the Board members present if they have any further questions. Chris Klose asks the applicants how they will enter the garage, to which Mr. Sieverding replies they will pull up near the house and back into the garage. Ms. Gomez Anderson asks if there is a driveway, and if it is dirt, or something else. Mr. Sieverding replies it is gravel. Ms. Gomez Anderson asks if the gravel extends to the garage, which Mr. Sieverding states it does.

Clerk Rubin informs the applicants of the ZBA submission deadline of noon, Tuesday, December 31st, 2024, and recommends they make an appointment with ZEO, Brandon Mullins, to amend their application. Clerk Rubin also reminds the applicants a copy of the Owner Consent form, with space for a notarized signature, will be available for them, in the Town Clerk's Office, the next morning.

Review

ZBA 24-11 Romain Bonnans, represented by Jordan Valdina, of Synergy Design and Architecture, PLLC, application to construct: 1. A six-foot by eight-foot Entry, 2. A 16' x 34' Addition on the east side of the, 17.5' from the side property line, and 3. A 14' x 24' one car garage, eight feet from the front property line, and 15' from the side property line, with a resulting building coverage of 18%, and open space on the lot of 75%. The existing dwelling is non-conforming due to an existing non-conforming setback off of the rear property line. The subject parcel currently has three accessory structures on it. Section 143-18 A of the Town of Red Hook Zoning Law does not permit an accessory structure, to project closer to the fronting street than the principal building on the lot, or the required front yard setback for the District, whichever is less restrictive. Section 143-18 A, of the Town of Red Hook Zoning Law, does not permit any accessory structure less than 20' from any lot line. Section 143-18 A (7) limits the number of Accessory structures, on a residential lot, other than a permitted sign, or agricultural buildings, to three, of which no more than one structure shall be a private garage. Section 143-12, the District Schedule of Area and Bulk Regulations, of the Town of Red Hook Zoning Law, requires a minimum 20' side yard setback in the District. Section 143-12, of the Town of Red Hook Zoning Law, the District Schedule of Area and Bulk Regulations, limits building coverage in the District to 7%, and required minimum open space, in the District, to 80%. Section 143-126 A prohibits the extension, enlargement, or alteration of an existing, non-compliant building, in any manner which would increase the existing

non-compliance, or create a new non-compliance. The subject parcel is located at 141 Country Club Drive, in the Town of Red Hook, in the RD-3 Zoning District.

Chairperson Karakassis reads the agenda item, and refers to the ZEO's denial letter, noting the applicant is seeking 7 area variances, and wishes to construct an entrance, a side addition, and a one-car garage. Jordan Valdina, of Synergy Design, states the applicant wishes to have the garage in front of the house, and notes there are a number of other properties along Country Club Drive, which have garages in front of the house, near the road. Mr. Valdina notes the small size of the lots make it tricky to build a house on, further stating the current house predates zoning.

Chairperson Karakassis asks the Mr. Valdina if the applicant would consider placing the proposed addition in the front of the house, to which Mr. Valdina replies such a configuration would diminish the interior light, and would not provide lake views. Mr. Valdina states the addition is a master suite, with a washer dryer.

Chairperson Karakassis asks Mr. Valdina how large the house is, to which Mr. Valdina replies he is not sure, but estimates it is around 1000 SF, which the proposed addition and entryway would enlarge by 544 SF, and further notes the house would remain a single story. Chairperson Karakassis asks if the cottage on the lot is used as an accessory dwelling, to which Mr. Valdina replies he is not sure what it is used for.

Chairperson Karakassis states putting the proposed garage next to the road creates the look of a walled compound, to which Mr. Valdina replies it would provide some privacy. Chairperson Karakassis states no one in the neighborhood has this kind of configuration, and further states she finds it is at odds with the community. Chairperson Karakassis asks Mr. Valdina if there is an alternative location for the proposed garage, perhaps farther back from the road. Mr. Valdina states he and the applicant can look into it, and further states the garage is small and quaint, and refers to the garage elevations he submitted with the application, and which Clerk Rubin displays on the smart screen. Mr. Valdina states placing the garage further back would not look nicer.

Chairperson Karakassis states the Town has the Zoning Code, and further notes, a variance cannot be granted simply because someone says they want something. Chairperson Karakassis states she finds the proposed garage, in the proposed location, problematic, and further states if the applicant moves it back, it complies. Chris Carney states he will have to drive by and see the subject parcel and the rest of the neighborhood.

Ms. Gomez Anderson asks Mr. Valdina if the garage entrance faces the road, to which Mr. Valdina replies it does. Mr. Valdina asks what the historic precedent in the neighborhood is, further stating the zoning is three acre, and a number of lots in the neighborhood are smaller, some by a factor of 10. Chairperson Karakassis states the parcels and houses predate zoning, which was created in 1972. Chris Klose states the Country Club is its own animal. Chairperson Karakassis states there are a number of different styles, and lot sizes in the neighborhood, some of which are smaller than three

acres. Chairperson Karakassis states this is why the ZBA has granted variances in the past.

At 7:49 PM Chairperson Karakassis moves to set a public hearing for ZBA 24-11 Bonnans – Synergy Design, on Wednesday, January 8, 2025, the next, regularly scheduled ZBA meeting. Chris Klose seconds, and all Board members present vote in favor of scheduling the public hearing, at the next ZBA meeting, on January 8, 2025.

At 7:50 pm Chairperson Karakassis asks for a motion to adjourn the meeting. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of adjourning the meeting.

The next ZBA meeting is at 7:00pm, on Wednesday, January 8, 2025. The submission deadline for which is **noon Tuesday, December 31st, 2024**. Please contact Brandon Mullins in the Building & Zoning Office to apply to the Town of Red Hook ZBA.

Received

EXHIBIT

DEC - 5 2024

Town of Red Hook
Zoning Board of Appeals

A

NOTICE OF PUBLIC HEARING

ZONING BOARD OF APPEALS

TOWN OF RED HOOK

NOTICE IS HEREBY GIVEN that pursuant to Section 143-136C of the Zoning Law of the Town of Red Hook, New York, a public hearing will be held by the Zoning Board of Appeals of the Town of Red Hook, Dutchess County, New York at the Town Hall, 7340 South Broadway, Red Hook, New York, meeting to commence at 7:00 pm, on the 11th day of December, 2024 on the following matter:

ZBA 24-09 Adam and Michelle Castiglione, represented by Jordan Valdina, of Synergy Design and Architecture, PLLC, application to construct a 28' x 48' two-bay-detached-garage, ten feet from the side yard property line. Section 143-18 of the Town of Red Hook Zoning Law does not permit an accessory structure, greater than 192 SF, to be located less than 20' from any lot line. The subject parcel is located at 7 Whalesback Rd., in the Town of Red Hook, in the RD-3 Zoning District.

All interested persons will be given an opportunity to be heard in person or by directing comments in writing to the Zoning Board of Appeals, 7340 South Broadway, Red Hook, New York 12571. All reasonable accommodations will be made for persons with disabilities. Notify the Zoning Board Clerk in advance at the above address.

---REPLY--- To: Town of Red Hook Subject Castiglione ZBA 24-09 Dated Nov. 26, 2024
Thank you for the notice. In an area where most lands are 5 acres or more, there should be adequate space for normal construction and property line distances.
It appears the request is beyond what one would expect with such large parcels.
Therefore, in our consideration, we would not support the proposed variance request for lack of adequate merit.

(Signed) Lawrence A. Wills, Trustee

L. Wills

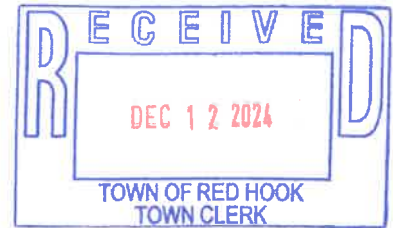
Nov. 26, 2024

6415 BEN HOGAN CIRCLE
NORTH FORT MYERS,
FL 33917

EXHIBIT

B

**TOWN OF RED HOOK
Zoning Board of Appeals**



VARIANCE RESOLUTION

Application #: 24-09 Castiglione

Grid #: 134889-6173-00-888877

Introduced by: Kate Karakassis

Date: December 11, 2024

Seconded by: Chris Close

The Town of Red Hook Zoning Board of Appeals, at meeting(s) duly convened on November 13, 2024, reviewed the facts in Application #24-09 as submitted by Adam and Michelle Castiglione, owners of the property identified as Tax Map # 134889-6173-00-888877 ("the Property").

WHEREAS, said application requests a variance from the strict application of § 143-18 A (2) and § 143-18 A (3) of Chapter 143 of the Code of the Town of Red Hook (Zoning) to allow the construction of a 28' x 48', two-bay, detached garage, ten feet from the side yard property line.

WHEREAS, the application was determined to be a **Type II** action under the State Environmental Quality Review Act, Section 6NYCRR Part 617(c)(16), and

WHEREAS, the Board held a Public Hearing on December 11, 2024, notice of which was duly published in the Poughkeepsie Journal on November 29, 2024, and posted as required by law, and

WHEREAS, at said Public Hearing all who wished to be heard were heard and their testimony recorded, and

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

1. Pursuant to the Town of Red Hook Zoning Code § 143-36 G, a prior variance, granted in May 2022, for the same relief requested in this application expired because the applicants did not commence construction within a year of its granting. The 2022 variance allowed construction of a garage, slightly larger than that currently proposed, to be built in the same location requested in the current application. Applicants now wish to move forward with construction, necessitating this application for a new variance.
2. Other than the fact that the proposed garage is smaller than the one proposed in the previously granted variances, the ZBA is aware of no other change in facts.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #24-09 a request for a variance from § 143-18 A (2) and § 143-18 A (3) of Chapter 143 of the Code of the Town of Red Hook (Zoning) to allow the construction of a 28' x 48', two-bay, detached garage, ten feet from the side yard property line be granted/denied on the following grounds:

1. The variance requested **will not** produce an undesirable change to the character of the neighborhood or a detriment to nearby properties.
2. The needs of the applicant **cannot** be achieved by other than an area variance.
3. The requested variance **is** substantial in number but not in impact.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood.
5. The hardship for which the variance is sought to rectify **was/was not** self-created.

BE IT FURTHER RESOLVED, the variance granted is the minimum variance necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, the grant of the Requested Variance shall be subject to the following condition(s):

1. Payment of all fees and escrow; and
2. Application for and receipt of any other approvals required by the Town of Red Hook Code and New York State Building Code including but not limited to any and all building permits and certificates of occupancy; and

Member	Aye	Nay	Abstain	Absent
Kate Karakassis, Chair	X			
John Bonavita-Goldman				X
Chris Carney	X			
George Jahn				X
Chris Klose	X			

Adopted: 12/11/2024

Zoning Board Chairperson: 
KATE KARAKASSIS

Secretary: 
Anne Rubin

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess

[Signature] being duly sworn, deposes and says she is the Principal Clerk of **The Poughkeepsie Journal**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper and published in the County of Dutchess and the State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

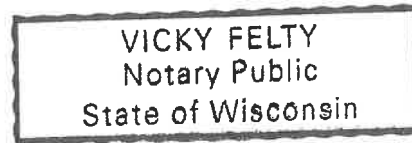
11/29/2024

[Signature]

Subscribed and sworn to before me this 29 day of November, 2024

[Signature]

Notary Public
State of Wisconsin, County of Brown



919.25 *efv*

Received

DEC 11 2024

Town of Red Hook
Zoning Board of Appeals

**NOTICE OF
PUBLIC HEARING
ZONING BOARD
OF APPEALS
TOWN OF
RED HOOK**

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All interested persons will be given an opportunity to be heard in person or by directing comments in writing to the Zoning Board of Appeals, 7340 South Broadway, Red Hook, New York 12571. All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Zoning Board Clerk in advance at the above address or by phone 845-758-4624 so that arrangements can be made. 10798967

Received

DEC 11 2024

Town of Red Hook
Zoning Board of Appeals