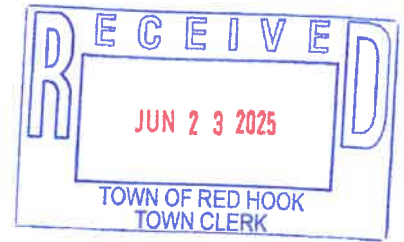


Town of Red Hook ZBA
Approved Meeting Minutes
May 14, 2025



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, George Jahn, and Chairperson Karakassis state they are present. Also, present are ZBA Attorney, Janis Gomez Anderson and Town Board Liaison, Bill Hamel.

Approval of January 8, 2025 Draft Minutes

At 7:00 pm Chairperson Karakassis asks for a motion to approve the January 8, 2025 draft ZBA minutes. At 7:00 pm George Jahn so moves, Chris Klose seconds. Chairperson Karakassis, George Jahn, Chris Klose, and Chris Carney vote in favor of approving the January 8, 2025 draft ZBA minutes.

Planning Board Minutes and Comments from the Chair

Chairperson Karakassis states there are currently no Planning Board applications which would impact the ZBA. Chairperson Karakassis also notes Board member John Bonavita Goldman has resigned, and states the Board is looking for a replacement, as well as two alternate Board members. She adds anyone interested in any of these positions should contact the Town, expressing their interest.

Review

ZBA 25-02 Michael Lueck application to construct a single-family-dwelling on a pre-existing, undersized lot, with a Front Yard Setback of 48', and a Front Parking Setback of 23'. Section 143-12, District Schedule of Area and Bulk Regulations, Attachment 2, of the Town of Red Hook Zoning Law requires a minimum 60' Front Yard Setback, and a minimum 35' Front Parking Setback, in the RD3 Zoning District. Additionally, Section 143-48 B(1) requires the minimum Front Yard, and Front Parking Setback requirements be doubled in the Scenic Corridor Overlay (SCO). The subject parcel is located at 489 Route 199, in the RD3 Zoning District and SCO, of the Town of Red Hook.

Chairperson Karakassis amends the application and agenda item to directly state the doubled front yard setback and front parking setback requirements of 120' and 70' respectively. She clarifies this with the applicant, who writes his initials next to the changes, and records the date next to his initials.

Chairperson Karakassis reads the amended agenda item and asks the applicant to explain to the Board why he cannot comply with the Zoning requirements. Mr. Lueck states the size of the

lot, the fact that New York State owns a strip of land between his lot and Route 199, the proximity to the neighbors' houses on either side of the lot, and a downward slope at the rear of the lot prevent him from moving the proposed house any further back on the lot. Mr. Lueck refers to the Site Plan he submitted with his application, and which is displayed on the smart screen, stating the location of proposed septic field, and driveway, and further notes he purchased the property as Board of Health approved for septic, and as a buildable lot. Mr. Lueck states he is not willing to move the location of the proposed house back at all, and wonders why he is before the ZBA, if his lot is pre-existing. Mr. Lueck also notes his property is narrow at the rear, which would afford his neighbors less privacy if he were to locate his house in that section of the parcel. Mr. Lueck states he would already be building the house at this point, were it not for the required variance. Chairperson Karakassis shares a photo she took of the subject parcel on the day of the meeting, from Route 199, which shows a driveway, and lot clearing. The Clerk hands each Board member, the ZBA Attorney, Town Board Liason, Bill Hamel, and the applicant a print out of the photo, and displays it on the smart screen.

ZBA Attorney, Janis Gomez Anderson, notes the applicant's parcel fronts on State Land, and not on Route 199, and further notes Section 143-4 Definitions, in the Town of Red Hook's Zoning Code, a front yard is defined as the space between the main building and the property line facing the street, and further notes The Zoning Code specifies minimum front yard setbacks, which dictate the minimum distance a building must be placed from the street property line. Chairperson Karakassis states, though the subject parcel is a preexisting lot, created prior to adoption of the Zoning Code, the rules that exist now are what govern what is allowable on the parcel. Mr. Lueck states there are many houses on the same road which are closer to it than the house he is proposing. Chairperson Karakassis states they may have predated the Zoning Code.

Chairperson Karakassis and Ms. Gomez Anderson note the application will need to be referred to Dutchess County Planning, since the subject parcel is on a State Road. Mr. Lueck asks if he can go to the County instead, and speak with them, to explain that he purchased a buildable lot, that was already Board of Health approved for septic. Chairperson Karakassis states the reason the ZBA is sending the application to Dutchess County Planning, is because it is on State Route 199. Clerk Rubin notes she will request a response in advance of the June 11, 2025, meeting, the County, however, may respond up to 30 days from when the request was made. Chairperson Karakassis notes the Board can still hold the public hearing; it just cannot vote before the County responds.

Chairperson Karakassis asks the applicant if Board members may visit the property, and states the downward slope to the rear of the property does not appear to be extreme on the Site Plan the applicant submitted. Mr. Lueck states his assent. Chris Klose notes the Board is listening to points of law, gathering the required information, and going through the necessary process, further noting the Board must consider the letter of the law and the spirit of the law. Chairperson Karakassis notes the Board must weigh the needs of the community against the needs of an individual applicant, for every application. Chairperson Karakassis states she would like to see a more detailed parcel map, which shows the precise location of the neighbor's houses on either side of the parcel. Chris Klose asks if the neighbors approve of his project, to which Mr. Lueck states they are in favor of it. Chairperson Karakassis notes that statutorily the Board cannot consider the neighbors' opinions.

Chairperson Karakassis informs the applicant the Board will be setting a public hearing for June, 11, 2025, or the next regularly scheduled ZBA meeting, and that the ZBA Office will be mailing certified letters to all his neighbors within a 300' radius of his property boundaries. Clerk Rubin hands the applicant a Cost of Certified Mailing Memo and explains this cost will be deducted from his application's escrow account. Clerk Rubin asks the Board if it wants to vote on an

additional escrow deposit at this time, to which the Board responds it is not necessary for the time being.

At 7:26 PM Chairperson Karakassis asks for a motion to set the public hearing for June 11, 2025. Chris Klose so moves, George Jahn seconds and Chris Carney, Chris Klose, George Jahn, and Chairperson Karakassis vote in favor of setting a public hearing for ZBA 25-02 Lueck, for the June 11, 2025.

Review

ZBA 25-03 Jonathan Shapiro, represented by Dawn Santiago, of Kristina Dousharm Architecture, PLLC, application to demolish a Non-Conforming Structure, and to construct a 26' x 32' Accessory Structure, with a height of 16.5', approximately 4.5' from the Side Property Line, and approximately 12.5' from the Primary Structure Section 143-18 A, (2) of the Town of Red Hook Zoning Law, requires a minimum setback of 20' from any lot line, for an Accessory Structure. Section 143-18 A, (3) of the Town of Red Hook Zoning Law requires that no structure shall be located less than 12' from the principal building, or a minimum distance equal to the height of the Accessory Structure, whichever dimension shall be greater. The subject parcel is located at 987 River Road, in the Town of Red Hook, in the Limited Development Zoning District.

Chairperson Karakassis reads the agenda item, and asks Ms. Santiago, of KDA, who is representing the property owner, Jonathan Shapiro, to step forward and explain why the proposed garage and studio cannot comply with the Zoning Code. Ms. Santiago notes on the Site Plan, which includes Zoning Data, and which is displayed on the smart screen, the approximately 16' x 32' Existing Accessory Structure 1, which, she states, will be relocated to the end of an existing gravel drive, which will also be lengthened, and widened at the end, to the width of Existing Accessory Structure 1, to provide new parking spaces in front of the structure. Ms. Santiago states Existing Accessory Structure 1 is and will be used for storage. Ms. Santiago states the proposed garage/studio, which measures 26' x 32' will be located at the former site of Existing Accessory Structure 1.

Chris Klose George Jahn ask Ms. Santiago if the garage can be moved farther away from the house, in order to increase the 12' 6" proposed distance from the house.

Ms. Santiago states the proposed garage/studio is wider than the Existing Accessory Structure 1, and cannot be moved farther away from the house to comply with the Zoning Code, due to an existing garden, to the west, an existing stone retaining wall to the north, the gravel drive and concrete walk to the east, and an existing stone terrace, and stone pavers running from the garden to the house, to the south. Ms. Santiago also notes the north property line, which cuts in precisely at the proposed location of the garage/studio, which prevents it from being moved farther away from the house.

Chris Klose asks how long the applicants have lived on the property, to which Ms. Santiago replies she believes it is within the past four years, and notes the garden existed prior to their living there. Chairperson Karakassis asks about the proposed studio, to which Ms. Santiago replies a sink and under the counter refrigerator are planned, but no cooking.

Chairperson Karakassis notes the proposed garage/studio is right on the property line, and further notes the use is changing with vehicles and a studio. Chairperson Karakassis asks how close the neighbors are. The Clerk displays a parcel map on the smart screen and zooms in and out to show the subject parcel and surrounding parcels. Ms. Shapiro notes she has some additional exterior images she prepared for the Planning Board, which she can share with the ZBA. The Clerk notes the submission deadline of noon of June 3, 2025.

Chairperson Karakassis states this application will also be referred to Dutchess County Planning, and, at 7:43 PM asks for a motion to declare the Action Type II under SEQRA. Chris Klose so moves, Chris Carney seconds, and Chris Carney, Chris Klose, George Jahn, and Chairperson Karakassis vote in favor of declaring the Action Type II under SEQRA.

At 7:44 PM Chairperson Karakassis asks for a motion to set a public hearing for ZBA 25-03, for June 11, or the next regularly scheduled ZBA meeting, in case there is not a quorum, since one member has resigned. George Jahn so moves, Chris Klose seconds, and Chris Carney, Chris Klose, George Jahn, and Chairperson Karakassis vote in favor of setting a public hearing for ZBA 25-03, for June 11, or the next regularly scheduled ZBA meeting.

At 7:45 PM Chairperson Karakassis moves to set the public hearing for ZBA 25-02 for June 11, 2025, or the next regularly scheduled ZBA meeting. Chris Klose seconds and Chris Carney, Chris Klose, George Jahn, and Chairperson Karakassis vote in favor of setting the public hearing for ZBA 25-02 for June 11, 2025, or the next regularly scheduled ZBA meeting. [Clerk Note: this and the next paragraph regard ZBA 25-02 Lueck.]

Chairperson Karakassis notes the subject parcel for application 25-02 Lueck is a scenic road, on which the houses, most of which appear to pre-date zoning, are well-separated, with plenty of vegetative screening. Ms. Gomez Anderson notes there is no way to build within the required setbacks and further states the applicant will need a variance of some kind. George Jahn states the applicant appears to believe the realtor who says the lot is buildable.

George Jahn asks Ms. Santiago if he can walk the subject parcel, in order to see the location of the gardens, stone wall, stone terrace, and driveway. Ms. Santiago states if Board members want to visit the parcel, they can email her at KDA to arrange to access the property.

At 7:51 pm Chairperson Karakassis asks for a motion to adjourn the meeting. Chris Carney so moves, Chris Klose seconds, and Chairperson Karakassis, George Jahn, Chris Klose, and Chris Carney 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.