

Town of Red Hook ZBA
Draft Meeting Minutes
January 12, 2022

Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:02pm. Present are Chairperson Karakassis, Chris Carney, and Chris Klose. Absent is Jim Hegstetter. Also Present are: Patrick Logan, associate of ZBA Attorney Victoria Polidoro, standing in for Ms. Polidoro, Town of Red Hook ZEO, Bob Fennell, and Town Board Liason, Bill Hamel

At 7:03pm Chairperson Karakassis opens the meeting.

Approval of Draft Minutes: 12-08-2021

At 7:04 pm Chairperson Karakassis asks for a motion to adopt the December 08, 2021 Draft Minutes. Chris Klose so moves, Chris Carney seconds and all Board members present vote in favor of adopting the December 08, 2021 meeting minutes.

Planning Board Minutes

Chairperson Karakassis states she has no comments regarding the Planning Board meeting, and asks for comments and/or questions from the Board regarding the meeting. The Board members present have no comments or questions regarding the Planning Board meeting.

Comments from the Chair

Chairperson Karakassis welcomes new Town Board Liason Bill Hamel, and introduces him to the Board members present, Patrick Logan, and Bob Fennell.

Chairperson Karakassis reads the following statement regarding remote meetings:

Pursuant to New York State legislation (S.50001/A.40001), which allows state and local government meetings that are normally held in person to be held remotely instead, as long as the public has the ability to view or listen to the meeting and as long as the meeting is recorded and later transcribed, and advisories issued by Federal, State, and Local officials, related to the COVID-19 virus, the Zoning Board of Appeals will hold the meeting remotely. There will be no in person gathering at the Town Hall. The meeting will be held by video conference, and can be viewed at the RH ZBA Meeting YouTube Channel

Chairperson Karakassis states the discussion regarding a modification to the Board's escrow procedure will take place after the applicant review discussions, in order to begin the applicant portion of the meeting promptly.

Review

ZBA 22-01 Lewis Rose, application for an Area Variance to construct a 558 SF addition to a dwelling, resulting in a building coverage of 9.75% on the subject parcel. Section 143-12, The District Schedule of Area and Bulk Regulations, of the Town of Red Hook Zoning Law limits building coverage to 5% on the subject parcel. The subject parcel is located at 894 River Road, in the Town of Red Hook, in the RD 5 Zoning District.

Chairperson Karakassis reads the agenda item and asks the applicant to describe his project, and to state why he is seeking a variance. Mr. Rose states he resides at 854 River Road, between Rokeby and Pin Oak, on the west side of River Road. He further states his home is a two-bedroom house with both bedrooms on the second floor. Mr. Rose states he is proposing to construct an additional bedroom on the first floor of his house, due to health issues and future needs. Mr. Rose further notes the proposed bedroom and a bathroom would occupy a space behind his house, currently occupied by an existing patio. Mr. Rose states his application to the ZBA states he is proposing to increase the building coverage from the permitted 5% to 9.75%, and informs the Board his current building coverage is actually 8.5%, and further states he did not know it. Mr. Rose states he is not planning to build on the green area of his parcel, but on the space occupied by an existing patio. Mr. Rose states his property is one acre in a five acre zoning district (RD5), and further notes the one acre zoning district (RD1) allows for 10% building coverage. Mr. Rose states his property is in the Historic Waterfront District, and informs the Board the Planning Board has submitted his plans to the Design Review Committee, which has approved the design.

Chairperson Karakassis states the Board members have reviewed the application with the site drawings, and asks the Board members present if they have any comments or questions. Chris Klose thanks Mr. Rose for the thoroughness of his application, and states he agrees with the plan to have a downstairs bedroom. Chris Carney states he has no questions, and further states the proposed addition seems reasonable. Chairperson Karakassis states she has no questions.

Patrick Logan states the Board needs to classify the Action as Type II under SEQRA. At 7:12 pm Chairperson Karakassis moves to classify the Action as Type II under SEQRA. Chris Klose seconds, and all Board members present vote in favor of classifying the Action as Type II under SEQRA.

Mr. Logan further states the New York State Open Meetings Law is set to expire in three days, and further comments he expects it to be extended. Mr. Logan states this extension will allow the Board to continue to meet remotely.

At 7:14 Chairperson Karakassis moves to set a public hearing for the February 9, 2022 ZBA meeting, meeting to commence at 7:00pm. Chris Klose seconds, and all Board members present vote in favor of setting a public hearing for the February 9, 2022 ZBA meeting.

Review

ZBA 22-02 Adam and Michelle Castiglione, application for two Area Variances to construct a cottage with a garage below it, ten feet from the side property line, and having a gross floor area of 984 SF. Section 143-68E of the Town of Red Hook Zoning Law requires that the structure shall be set back 35 feet from the side property line, and Section 143-68A of the Town of Red Hook Zoning Law limits the gross floor area to 650 SF. The subject parcel is located at 7 Whalesback Road, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis reads the agenda item and asks the applicant to clarify if the total square footage for his proposed cottage/garage is 984, or if it is 984 SF on each floor. Mr. Castiglione replies the structure is basically 32' x 32', with a small cutout on the ground floor, and a stairwell to the second floor, both of which reduce the square footage somewhat. Mr. Castiglione states his family lives in a four-bedroom house, and further notes one of the bedrooms is used as an office. Mr. Castiglione states his mother-in-law visits frequently, and will be retiring from teaching, in the next year. Mr. Castiglione states his family receives many visitors from out-of-town, and further states the second-floor cottage would have one bedroom, a kitchen, and space to move around, also for his children and the children of their visitors. Mr. Castiglione states he would store his boat and truck in the garage, and further notes the size and dimensions of the garage are such that would allow him to store his boat, his truck, and other items. Mr. Castiglione states the dimensions of the garage also determined the dimensions of the second-floor cottage.

Chairperson Karakassis states 984 SF for a garage is large, to which Mr. Castiglione replies the boat is on a trailer, and further notes the proposed length is to accommodate the trailer. Mr. Castiglione shows a floor plan of the first and second floors, and a front elevation. Chris Klose asks the applicant if he has available a gable view, to which Mr. Castiglione replies he does not have it. Chris Klose asks Mr. Castiglione how many kids he has, and how old they are, to which Mr. Castiglione replies two, and further notes they are four and five years of age.

Chairperson Karakassis asks the applicant the size of his house, to which Mr. Castiglione replies 2900 SF, with an unfinished basement, and an existing garage, which he states is either 20' x 20' or 24' x 20'. Chris Klose asks Mr. Castiglione if the existing garage is far from the house, to which the applicant replies it is close to the house, and further states there are not many reasonable locations on his property for the proposed garage/cottage. Chris Klose states the applicant's property is an oddly shaped lot, to which Mr. Castiglione replies his property is a flag lot. Mr. Castiglione displays an aerial image of his property, and indicates the position of his house, and the

position of the proposed garage and cottage, and further states a side area that he states is wet. Mr. Castiglione indicates the rear yard as the location of the septic system, and the opposite side yard, he states, has a slope, and is the location where the sump pump pumps out. Chris Klose asks Mr. Castiglione if the property is in a flood plain, to which the applicant replies it is not, and further states his yard has been very wet. Mr. Castiglione also states a secondary scope of the project is to re-do the drainage from the neighbor up-slope, and redirect it. Chris Klose asks the applicant if his neighbor has any thoughts on his proposal, to which Mr. Castiglione replies his neighbor does not appear to have objections to the project. Mr. Castiglione indicates the location of his neighbor's house, in relation to his house and the proposed garage/cottage in the aerial image.

Chairperson Karakassis states the Town Code allows a cottage of 650 SF, but not two houses, and further states she finds what Mr. Castiglione is proposing is closer to a house. Mr. Castiglione states his proposal will allow for family, friends, kids coming home from college, to visit. Chairperson Karakassis states she does not see a real need, from what the applicant has proposed, for a structure that is 984 SF on each of two floors. Mr. Castiglione states the proposed dimensions fit the boat, other items, and further states he does not want to store the boat outdoors. Mr. Castiglione further states his boat is 24' long, plus a six foot trailer, plus two feet, is 32' total in length. Mr. Castiglione states 984 SF is a big garage. Chairperson Karakassis asks the applicant if there will be a bathroom in the garage, to which Mr. Castiglione replies there was one in the original plan, but notes it has been eliminated, and the space it occupied will be used for storage. Mr. Castiglione states it is a large space.

Chairperson Karakassis states the ZBA sets precedent, and further states there does not seem to be a pressing need, more like it would be nice. Chairperson Karakassis states she finds 650 SF adequate for guest usage. Chris Klose asks the applicant if his priority is for the boat, or for his mother-in-law, to which Mr. Castiglione replies he would like to cover both options, and further comments they expect to host friends from college who now have families of their own. Patrick Logan asks the applicant if his proposal is truly necessary, and further states the ZBA can only grant the minimum variance needed. Mr. Logan asks the applicant if the size of the cottage is based on the size of the garage, and further asks the applicant to clarify whether or not the living space occupies the 984 SF. Mr. Castiglione states the stairwell and the utility room do not extend the square footage. Patrick Logan asks the applicant if the square footage of the cottage is less than 984 SF. ZEO, Bob Fennell, responds the Board needs to consider habitable space versus gross floor area, which is measured from the outside walls. Mr. Castiglione states his calculation of 984 SF is measured from the outside walls.

Patrick Logan states for the ZBA to act on Mr. Castiglione's request, it would be helpful for him to elaborate specifically on his needs. Chairperson Karakassis asks Mr. Castiglione to provide drawings showing his vehicle and boat. Chris Klose asks Mr. Fennell if the Town Code allows for a double use such as a cottage over a garage, to which Mr. Fennell replies the ZBA ruled in a previous case that an applicant could have

a cottage with a garage underneath. Mr. Fennell clarifies this is confined to a single story above the garage, and further notes most people want a two-car garage these days.

At 7:40 pm Chairperson Karakassis asks for a motion to declare the Action Type II under SEQRA. Chris Carney so moves, Chris Klose seconds, and all Board members present vote in favor of declaring the Action Type II under SEQRA.

Chairperson Karakassis asks the applicant to provide the Board with drawings and studies of the wet areas on his property, and also asks the applicant if he has any objections to Board members making a site visit, to which Mr. Castiglione replies he has no objection.

At 7:41 pm Chairperson Karakassis asks for a motion to set a public hearing for the February 9, 2022 meeting. Patrick Logan states the Board may set the public hearing, and further notes any changes to Mr. Castiglione's proposal will require re-noticing the hearing. Chris Klose comments it may be possible for the applicant to create a 650 SF addition on the south end of his house, for his mother-in-law and other visitors. Mr. Castiglione states he may have other options for additional living space and outdoor storage. Chairperson Karakassis asks the applicant if he wants to set the public hearing for February, or wait until March, and have the Board continue to review his project at the February 9, 2022 meeting. Mr. Castiglione states he would prefer to wait until March for the public hearing. ZEO, Bob Fennell informs the Board the project also requires a Special Permit from the Planning Board.

Review

ZBA 22-03 Derrick Mead, application for an Area Variance to convert an existing garage to a cottage, on a two-acre parcel. Section 143-68F of the Town of Red Hook Zoning Law requires that the cottage be situated on a lot of no less than three acres. The subject parcel is located at 267 Hapeman Hill Road, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis reads the agenda item and asks the applicant to describe his proposal, and to state why he is seeking a variance. Gretchen Jones, married to Derrick Mead, states the two of them moved back to Red Hook in 2020, and further states her mother, turning 70, needs to be with them. Ms. Jones states they plan to put her in half the footprint that is already existing. Ms. Jones states they do not want to extend the footprint, and further notes half the garage already has plumbing, a half bath, a kitchen sink, and a shower stall. Chairperson Karakassis asks the Board members present if they have any comments or questions. Chris Klose asks Mr. Mead if he is related to the local family of Meads, to which he replies he is. Mr. Mead further states he and his wife live in a two-bedroom, one bath house, and Ms. Jones states her mother cannot negotiate stairs. Chairperson Karakassis asks Mr. Mead how visible the proposed converted garage would be to his neighbors, to which Ms. Jones replies the project would mainly affect the neighbor to the South, and further states there would be no

visible impact other than one garage door would disappear. At 7:51 pm Chris Klose moves to classify the Action as Type II under SEQRA. Chairperson Karakassis seconds, and all Board members present vote in favor of classifying the Action as Type II under SEQRA. Chairperson Karakassis asks Mr. Mead and Ms. Jones if the Board members may make a site visit to the property, to which Mr. Mead and Ms. Jones assent. Chairperson Karakassis asks the Board members present if they need any further information, to which Mr. Carney and Mr. Klose reply they do not.

At 7:51 pm Chris Klose moves to set a public hearing for the February 9, 2022 ZBA meeting. Chris Carney seconds, and all Board members present vote in favor of setting a public hearing for February 9, 2022.

Chairperson Karakassis reviews the escrow policy discussion with the Board members present, noting the Board can debit the cost of publication of the public hearing notices in the Poughkeepsie Journal, and the cost of certified mailings of said public hearing notices to neighbors, directly from the applicants' escrow accounts, without increasing the amount of the initial escrow request charged to each applicant. Chairperson Karakassis notes this would be in accordance with Planning Board practice, and states she finds the ZBA should be conforming to the same practice. At 7:53 Chris Klose moves to formally adopt this policy in conformance with the Planning Board. Chairperson Karakassis seconds, and all Board members present vote in favor of adopting an escrow policy in conformance with the Planning Board practice.

Chairperson Karakassis informs Town Board Liason, Bill Hamel the ZBA currently has four members and no alternates, and further notes she has spoken to the Town Supervisor, requesting the Town Board appoint a fifth member, and an alternate, since the ZBA has, at times, been perilously close to not making a quorum. Mr. Hamel informs the Board members of their current terms, and asks if they intend to stay on the Board, to which all Board members present state their assent. Mr. Hamel also informs the Board the Town Board will be working through the reorg appointments for the coming year.

At 8:01 pm Chairperson Karakassis asks for a motion to adjourn the meeting. Chris Klose so moves, Chris Carney seconds, and all Board members vote in favor of adjourning the meeting.

The next regularly scheduled ZBA meeting is February 9, 2022. The submission deadline for this meeting is Tuesday, February 1, 2022. In accordance with State and Local directives this meeting will be held remotely. Instructions for attending the meeting will be on the meeting agenda, published one week before the meeting.