

Town of Red Hook Zoning Board of Appeals  
Draft Minutes June 08, 2022

**Preliminaries**

**Roll Call**

The meeting is called to order at 7:02pm. Chairperson Kate Karakassis states she is present. Board members Chris Carney, and recently appointed member, John Bonavita-Goldman state they are present. Board member Chris Klose is absent, and a quorum for the meeting is established. Also present are ZBA Attorney Janis Gomez Anderson, Town Board Liason, William Hamel, and Town of Red Hook ZEO, Bob Fennell.

**May 11, 2022 Meeting Minutes**

At 7:03 pm Chairperson Karakassis states there is no quorum of members who were present at the May 11, 2022 meeting to vote on the meeting minutes, and remands the vote to the July 13, 2022 meeting.

**Review of Planning Board Minutes and Comments from the Chairperson**

Chairperson Karakassis notes the Planning Board has discussed the matter of revisiting zoning with regard to Cottages, and further notes no decisions have been made at present.

**Public Hearing**

ZBA 22-05 Paul Steinberger and Mickey Walker, representing the Neave Group, application for an Area Variance to install an inground pool 11 feet, and 11 inches from the side property line. Section 143-18 A(2), of the Town of Red Hook Zoning Law requires a setback of 20 feet. The subject parcel is located at 74 Williams Road, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis reads the agenda item, asks if there are any members of the public present – there are no members of the public present, and invites the applicant's representative from the Neave Group to state why the applicant needs a variance. Kris Schmitt states the applicant is requesting a variance of eight feet and one inch from the side property line, due to the location of the applicant's well on one side and his septic system, on the other, requiring a 50' to 100' buffer. Mr. Schmitt also states there is a deck at the rear of the house, which will have a space between it and the proposed inground pool, in order to be able to enter the pool. Mr. Schmitt states the space will have grass and some landscaping. Chairperson Karakassis asks Mr. Schmitt if the applicant has considered placing the proposed inground pool in the front yard, to which Mr. Schmitt replies the front yard is sloped, with woods, and also notes pools are not

allowed in the front yard. Mr. Schmitt states the neighbor is in favor of the pool, and further states this neighbor is also installing a pool.

John Bonavita-Goldman confirms with Mr. Schmitt the rear yard of the parcel faces south-west, and is surrounded by woods. Mr. Schmitt states the applicant is not removing any trees from the rear yard, but will moving the existing fence. Chris Carney asks Mr. Schmitt to state the distance between the back deck and the proposed inground pool, to which Mr. Schmitt replies there will be a two-and-a-half-foot wide strip of plantings, and a strip of grass about three feet wide, and a five-foot buffer.

At 7:10 pm Chairperson Karakassis moves to open the public hearing, John Bonavita-Goldman seconds the motion, and all Board members present vote in favor of opening the public hearing. Chairperson Karakassis asks for public comment. There are no members of the public present, and Clerk Rubin states the ZBA Office has received no emails, voicemails, or letters from any member of the public.

At 7:11 pm Chris Carney moves to close the public hearing, John Bonavita-Goldman seconds the motion, and all Board members present vote in favor of closing the public hearing.

At 7:11 pm Chairperson Karakassis moves to grant the requested variance, conditional on payment of all fees and escrow, and Planning Board approvals.

The Board notes the following facts pursuant to the requested variance:

1. The placement of the septic and well preclude an alternative location of the pool to the rear of the house.
2. Placing the pool in front of the house would also require a variance.
3. There are no close neighbors who will be affected by the pool.
4. The pool installer will move the fence to the property line, and create a pool-code-compliant enclosure, and has stated no trees at the rear of the property will be removed.

The Board makes the following findings:

1. The Board finds the variance requested will not produce an undesirable change to the character of the neighborhood, or a detriment to nearby properties, since no neighbors will be affected by the proposed inground pool installation.
2. The Board finds the needs of the applicant cannot be achieved by other than an area variance, since the required side yard setback is 20', and the applicant proposes to install an inground pool 11' and 11" from the side property line.
3. The Board finds the requested variance is numerically substantial, but the impacts are not substantial.

4. The Board finds the requested variance will not affect the physical or environmental conditions in the neighborhood.
5. The Board finds the hardship for which the variance is sought to rectify is self-created, since the owner of the subject property has proposed to install an inground pool 11' and 11" from the side property line.
6. The Board finds the variance being granted is the minimum variance to meet the needs of the applicant, since the proposed location of the inground pool is constrained by the location of the septic system, the well, the position of a rear deck, and a wooded area to the rear of the parcel.

At 7:15 pm Chairperson Karakassis, Chris Carney, and John Bonavita-Goldman vote in favor of granting the requested variance. Chris Klose is absent.

## **Review**

ZBA 22-06 Peter Klose and Jean Voutsinas, application for two Area Variances to create a cottage in a small barn, on a parcel of 1140 SF, setback eight feet from the front property line. Section 143-68 A, of the Town of Red Hook Zoning Law limits the size of a cottage to 650 SF of Gross Floor Area, and Section 143-68E requires a front yard setback of 50 feet. The subject parcel is located at 45 Echo Valley Road, in the Town of Red Hook, in the RD1.5 Zoning District.

## **Review**

ZBA 22-08 Peter Klose and Jean Voutsinas, application for an Area Variance to alter a barn, which is an accessory use, to a Single-Family-Dwelling, which is a principal use, on the subject parcel. A change from an accessory use to a principal use requires that the structure housing the new use meet the setback requirement of the District Schedule of Bulk and Area Regulations, Section 143-12 of the Town of Red Hook Zoning Law, for structures in the R 1.5 Zoning District.. The required front setback, per Section 143-12 is 50 feet, in the R 1.5 Zoning District. Said barn is five feet from the front property line. The subject parcel is located at 45 Echo Valley Road, in the R1.5 Zoning District.

Chairperson Karakassis reads the agenda items and notes both items concern two buildings on a single parcel, and further states a Cottage is limited to 650 square feet, under Section 143-68A of the Town Zoning Code, further stating the applicant in ZBA 22-06 is requesting 1140 square feet. Chairperson Karakassis further states Section 143-68E of the Town Zoning Code requires a minimum 50' front yard setback, and the applicant, in ZBA 2-06 is requesting an eight foot front yard setback.

Chairperson Karakassis states the applicant, in ZBA 22-08 is requesting to alter a large barn, next to the proposed Cottage, to convert it to a Single-Family Residence.

Chairperson Karakassis states according to the Town Zoning Code Section 143-12, the Schedule of Area and Bulk Regulations, requires a 50' front yard setback, and notes the existing barn is five feet from the front property line. Chairperson Karakassis asks the applicant, Mr. Peter Klose, to explain why he cannot comply with the zoning requirements. Chairperson Karakassis also notes for the record, in reviewing the applications, the "large barn" and the "small barn" are the same structure. Chairperson Karakassis states the applicant needs to re-submit his application with a clear statement regarding the barn, which the applicant proposes to convert to a Single-Family Residence.

Mr. Klose states the project is a form of adaptive re-use of structures on a parcel, which pre-date zoning, and which have been in his family for many years. Mr. Klose states it is the most logical project for the parcel, and further states, his intent is to eventually use the accessory structure for aging in place, and to use the Single-Family Residence for his grown children. Chairperson Karakassis asks Mr. Klose when he plans to begin this project, to which Mr. Klose replies he plans to start in a couple of weeks in order to save the barn, and to work on the accessory structure without installing a kitchen. ZEO Bob Fennell states Mr. Klose can restore the barn. Chairperson Karakassis states the Board has not received any drawings, and notes the variances run with the land, noting if the applicant does not pursue the project, the variances are just sitting out there.

Chairperson Karakassis asks the applicant if there is an historical value to the structures, to which Mr. Klose replies he plans to preserve the historical aspect of the structures and clean up the landscaping. Chairperson Karakassis asks if there are no other buildings on the parcel, he could adaptively re-use. ZEO Bob Fennell asks Mr. Klose if the two buildings captioned in the application to the ZBA are the only buildings on the parcel. Mr. Klose states there is a third building, a shed. Chairperson Karakassis asks Mr. Klose to indicate the location of the shed, using a parcel map. Chairperson Karakassis asks Mr. Klose to describe the topography and line of sight oncoming drivers would view. Mr. Klose shows the Board photographs of the road.

Chairperson Karakassis notes the road looks flat, and oncoming traffic would see the structures from the side. Mr. Klose states he plans to install split-rail, or agricultural-style fencing. Chairperson Karakassis asks Mr. Klose to provide photos the traffic approach from both sides of the parcel. Chairperson Karakassis states she understands there is sentimental value in these structures, to which Mr. Klose replies they have found items from their childhood under the floor. Chairperson Karakassis asks Mr. Klose if he knows of traffic accidents near his parcel, and also asks Mr. Klose if he has heard from any neighbors, especially businesses regarding his proposal, to which Mr. Klose replies it is all residential. Chris Carney notes Mr. Klose does not have many neighbors. Chairperson Karakassis asks Mr. Klose to state how many bedrooms he is planning for the Single-Family Residence, to which Mr. Klose replies four or five.

Chairperson Karakassis asks Chris Carney and John Bonavita-Goldman if they have any further comments or questions, to which each replies he does not.

At 7:29 pm Chairperson Karakassis moves to declare the Action Type II under SEQR. Chris Carney seconds, and all Board members present vote in favor of declaring the Action Type II under SEQR.

At 7:30 pm Chairperson Karakassis moves to set a public hearing for the July 13, 2022 ZBA meeting. Chris Carney seconds and all Board members present vote in favor of setting the public hearing for the July 13, 2022 ZBA meeting.

ZBA Attorney, Janis Gomez Anderson notes both applications may be combined into a single public hearing notice, and also notes a single certified mailing to the neighbors within a 300' radius is sufficient.

### **Adjournment**

At 7:31 pm Chris Klose moves to adjourn the meeting. Chris Carney seconds and all Board members vote in favor of adjourning the meeting. The next ZBA meeting will be held on July 13, 2022, at Town Hall. **The submission deadline for this meeting is noon, Tuesday, July 5, 2022.**