VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING

FEBRUARY 27, 2006

Present: Chairman Brent Kovalchik; Co-chairman George Beekman; Member Cliff Gubler; Member Victor Behoriam; Member Paul Duntz

Absent: Trustee David Seymour

Chairman Kovalchik opens the meeting at 7:30 PM and brings for the minutes of the previous ZBA meeting (October 24, 2005) for consideration. Mr. Kovalchik moves that the minutes be approved as written. Member Gubler seconds this motion and all vote in favor.

THE MINUTES OF THE OCTOBER 24, 2005, ZONING BOARD OF APPEALS MEETING ARE APPROVED AS WRITTEN.

Chairman announces that the Zoning Board of Appeals application of John Dillon for an Area Variance for a 3% increase in lot coverage will have to be tabled until the Planning Board rules on the lot line changes for which he has applied. This application is tentatively scheduled for the March 27, 2006 Zoning Board of Appeals meeting.

Applicant #1
Nicholas Sperry 28 Prince Street 3 Area Variances
Tax Grid #25-6272-10-337721-0000 Rear Yard
Side Yard
Lot Coverage

Chairman Kovalchik states that Mr. Sperry is seeking relief from Chapter 200, Article III, Sections 200-9-D-6 (rear yard setback on an interior lot); 200-9-D-7 (side yard setback on an interior lot); and 200-9-D-10 (maximum coverage of a lot) of the Code of the Village of Red Hook. Mr. Kovalchik then reads these sections of the code.

Mr. Sperry reads his letter of hardship (attached) and states he wishes to reduce the size of his shed by 30 square feet and side it with red cedar shingles. Chairman Kovalchik asks if he will tear down the existing shed and Mr. Sperry states he will not. Mr. Sperry states that he will not - he will take 3 feet off of it where it stands. Chairman Kovalchik asks how tall is the shed and Mr. Sperry states he is unsure, probably 11 1/2 to 12 1/2 feet. The Board reviews the pictures of the shed previously submitted by Mr. Sperry. From Article VI of the Code of the Village of Red Hook, Nonconforming Area and Bulk Uses, Chairman Kovalchik reads Section 200-42 (General Provisions), Section 200-46 (Damage to Nonconforming Use) and Section 200-48 (Exemption of dwelling buildings and structures) and declares there is no grandfathering due to the demolition already done.

Member Behoriam asks if Mr. Sperry will take off some square footage from each end of

the existing shed? Mr. Sperry replies no, just one end. Chairman Kovalchik reads a letter from CEO Sam Harkins (attached) with the field measurements for the lot coverage on the lot both with and without the shed. Co-chairman Beekman reviews the Short Form EAF point by point and no problems are found. Mr. Sperry states that there will be no plumbing or electricity in the shed. Co-chairman Beekman moves to assign this project a Negative Declaration. Mr. Kovalchik seconds this motion and all vote in favor.

THE NICHOLAS SPERRY APPLICATION, TAX GRID #25-6272-337721-0000, IS ASSIGNED A NEGATIVE DECLARATION.

Chairman Kovalchik reads the definition of an Area Variance as described in the *Guide to Planning and Zoning Laws of New York State*, Section 7-712-b and tests for an area variance. Chairman Kovalchik opens the meeting for public comment.

Wendy Brouws
30 Prince Street

Ms. Brouws states she can't believe this situation is being heard again. She displays an enlarged Polaroid picture of the shed as seen from her back yard. She questions the hearing of 3 variances on one small parcel. She states that the shed is simply too large and too tall.

Jeff Brouws
30 Prince Street

He, too, states he can't believe this situation is being heard again. He states the shed is 13 or 14 feet in height. He states that the previous owner's shed was not a problem because it was small.

There is a heated exchange between Mr. Sperry and Wendy & Jeff Brouws here noted but not recorded.

Emily Trapp
27 Fraleigh Street

Ms. Trapp states that the shed is also visible from her back yard and she agrees it is too large and too tall.

There being no further comment, the period of public comment is closed. Member Gubler asks if there will be storage behind the shed. Member Behoriam states that the shed should be pulled further away from the rear lot line. He also states that it is a very large variance request and it is the job of the ZBA to mitigate such requests and award the minimum variance possible. There is extensive discussion between the Board and

Mr. Sperry regarding the distance the shed should be from the rear lot line. Mr. Sperry states that pulling the shed further into his yard will make it more visible and lose the cover of some trees. Mr. Sperry is reminded that trees are in leaf for a relatively short period in this area. Member Gubler states that the neighbors must be accommodated in some fashion. Chairman Kovalchik asks Mr. Sperry which rear lot line variance he wishes to have the Board consider: (1) rear yard variance from 25 feet to 3.5 feet or (2) rear yard variance from 25 feet to 5 feet. It is Mr. Sperry's choice. The discussion of alternatives continues. Finally it is agreed that the 3 Area Variances will be heard based on a shed with a 10' x 12' footprint, 10 ' the maximum height allowed from grade level to roof ridge line, 5' from the rear lot line and 5.33' from the side lot line.

Variance #1
Rear Yard Setback - to reduce the rear yard setback from 25' to 5' for an accessory building (shed)
Chairman Kovalchik goes through the tests for an area variance:
1) undesirable change in neighborhood character
- Mr. Kovalchik states the new 5' setback will lessen the change.
- Mr. Behoriam states this is not a unique variance for the neighborhood.
- Mr. Gubler states this setback is typical for the neighborhood.
- Mr. Beekman states this variance has been mitigated by compromise.
- Mr. Duntz concurs.

2) alternative cure sought
- Mr. Duntz states there is no other alternative.
- Mr. Gubler agrees - the only other alternative would be no shed at all.
- Mr. Kovalchik agrees.
- Mr. Beekman agrees.
- Mr. Behoriam agrees.

3) Substantiality
- All member the agree the variance is substantial.

4) Adverse environmental or physical effect or impact
- All members state no - this was covered in the Short Form EAF & Negative Declaration.

5) Not self-created
- The Board members agree yes, current situation was self-created.

Chairman Kovalchik moves that the area variance from Section 200-9-D-6 of the Code of the Village of Red Hook reducing the rear yard set back from 25 feet to 5 feet, observing all Village, County, & New York State health, fire, safety, and building codes, for a 10' x 12' shed, maximum height from grade level to be 10', no storage behind building, red cedar siding, to be used as a storage shed, not a workshop be granted. Member Gubler seconds this motion and all vote in favor.
A REDUCTION OF THE REAR YARD SETBACK FROM 25' TO 5' FOR A 10' X 12' SHED LOCATED AT 28 PRINCE STREET, TAX GRID #25-6272-10-337721-0000 IS GRANTED WITH THE ABOVE CONDITIONS & STIPULATIONS

Area Variance #2
Chairman Kovalchik announces that this area variance request is for relief from Section 200-9-D-7 of the Code of the Village of Red Hook (side yard setback on an interior lot). Mr. Sperry is requesting that the side yard set back for his shed be reduced from 15' to 5.33'. The tests for this area variance are reviewed.
1) undesirable change in neighborhood character
- All Board members agree it will not.

2) alternative cure sought
- Mr. Kovalchik states that no shed at all is an alternative.
- Mr. Duntz states off-site storage is another alternative.
- All Board members agree there is no practical alternative.

3) substantiality
- All Board members agree it is substantial.

4) adverse physical or environmental effect on neighborhood
- No - All Board members agree that this was answered in the Short Form EAF and Negative Declaration.

5) not self-created
- Mr. Behoriam states yes, it was self-created.
- Mr. Kovalchik states yes, it was self-created.
- Mr. Duntz states yes, it was self-created.
- Mr. Beekman and Mr. Gubler concur.

Chairman Kovalchik moves to approve the side yard area variance request for a reduction from 15' to 5.33' (Section 200-9-D-7 of the Code of the Village of Red Hook) for a shed to be located at 28 Prince Street, Tax Grid #25-6272-10-337721-0000, observing all the stipulations & conditions outlined for the rear yard variance for the same shed. Member Behoriam seconds this motion and all vote in favor.
A SIDE YARD SETBACK AREA VARIANCE REQUEST FOR A REDUCTION FROM 15' TO 5.33' FOR A SHED TO BE LOCATED AT 28 PRINCE STREET, TAX GRID #25-6272-10-337721-0000, OBSERVING ALL THE CONDITIONS AND STIPULATIONS OUTLINED FOR THE REAR YARD AREA VARIANCE GRANTED FOR THE SAME SHED IS GRANTED.

Variance #3
Chairman Kovalchik states that this area variance request is for relief from the Code of the Village of Red Hook, Section 200-9-D-10, maximum lot coverage. The request is to increase lot coverage of 15% to 32.09%. The tests for this area variance are reviewed.
1) undesirable change in neighborhood
- Mr. Behoriam states no, this is typical of the neighborhood.
- Mr. Kovalchik states yes, this is even denser coverage than the surrounding neighborhood.
- Mr. Beekman states no.
- Mr. Gubler states no.
- Duntz states no.

2) alternative cure sought

- All Board members state there is no alternative solution.

3) substantiality

- All Board members agree it is substantial.

4) adverse physical or environmental effect or impact

- All Board members state no, referencing the Short Form EAF and Negative Declaration.

5) not self-created

- All Board members agree it is not self-created. This lot was considerably over coverage before the shed.

Chairman Kovalchik moves to approve the request for an increase in lot coverage from 15% to 32.09% (Code of the Village of Red Hook, Section 200-9-D-10) for the erection of a shed at 28 Prince Street, Tax Grid #25-6272-20-337721-0000, observing all the conditions and stipulations of the side and rear yard variances granted for the same shed, no additional structures of any kind to be constructed, orientation of shed to remain the same as built before the reduction in size. Member Duntz seconds this motion and all vote in favor.

AN INCREASE IN LOT COVERAGE FROM 15% TO 32.09% IS GRANTED FOR A SHED TO BE LOCATED AT 28 PRINCE STREET, TAX GRID #25-6272-10-337721-0000, OBSERVING ALL THE CONDITIONS AND STIPULATIONS OF THE SIDE AND REAR SETBACKS FOR THE SAME SHED, NO ADDITIONAL STRUCTURES OF ANY KIND ON THIS PARCEL, ORIENTATION OF SHED TO REMAIN THE SAME AS BUILT BEFORE THE REDUCTION IN SIZE.

Chairman Kovalchik moves to adjourn the February 27, 2006 meeting of the Village of Red Hook Zoning Board of Appeals. Member Gubler seconds this motion and all vote in favor.

THE FEBRUARY 27, 2006 MEETING OF THE VILLAGE OF RED HOOK ZONING BOARD OF APPEALS IS ADJOURNED.

Respectfully submitted,

Village of Red Hook
Susan P. Nandor, Secretary
Zoning & Planning