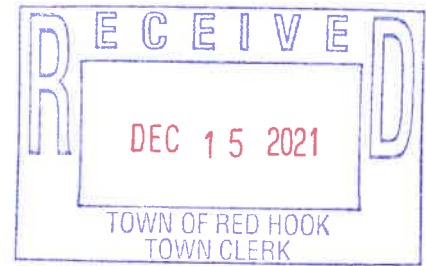


Town of Red Hook ZBA
Approved Meeting Minutes
July 14, 2021



Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:00pm. Present are Chairperson Karakassis, Chris Carney, Jim Hegstetter, and Chris Klose. Also, present are ZBA Attorney, Victoria Polidoro, and Town of Red Hook ZEO, Bob Fennell.

At 7:00pm Chairperson Karakassis asks for a motion to open the meeting. Jim Hegstetter so moves, Chris Carney seconds, and all Board members present vote in favor of opening the meeting.

Approval of Draft Minutes 6-9-21

Chairperson Karakassis asks if there are any comments or questions regarding the draft minutes of the June 9, 2021 meeting. Clerk Rubin notes she received an email, requesting revisions from Chairperson Karakassis, regarding page six of the draft minutes. Ms. Rubin notes the changes, [to be recorded in **bold**, in the revised minutes] for all present.

At 7:05 pm Chairperson Karakassis asks for a motion to approve the revised minutes. Jim Hegstetter so moves, Chris Klose seconds, and all Board members present vote in favor of adopting the revised minutes of the June 9, 2021 meeting.

Planning Board Minutes, Comments from the Chair

Chairperson Karakassis notes there are no Planning Board minutes up on the website, from the June 21st, 2021 Planning Board meeting.

Chairperson Karakassis recuses herself, and leaves meeting room for the next agenda item. Acting Chair, Jim Hegstetter, reads the next agenda item:

Public Hearing ZBA 21-03 Greig for an Interpretation

Norman Greig application for an Interpretation to remedy a violation, issued by the Town of Red Hook, on May 7, 2021, regarding a six-foot high fence, of a green tarp material, installed on the subject parcel, without a building permit, and which surrounds a neighboring, residential property on three sides. The Town of Red Hook Zoning Law, § 143-28 C disallows a Spite Fence. Said fence, which, by nature of its placement does not appear to have been constructed for the purpose of containing or protecting the

farm operation, does appear to have been placed for the sole or dominant purpose of annoying the neighbor, whose property it surrounds, by preventing the passage of light, air, and/or view from the neighbor's property. This subject parcel is located at 144-150 Pitcher Lane, in the Agricultural Business (ABD) Zoning District, in the Town of Red Hook.

Acting Chair Hegstetter states he wants the Board to discuss the appeal prior to opening the public hearing. Mr. Hegstetter states he has visited the property, inside and outside the fence. Chris Klose states he has visited the property, also on both sides of the fence. Chris Carney states he has seen the property from outside the fence.

Acting Chair Hegstetter asks Clerk Rubin to display the photographs submitted to the Board, showing the Ozone parking area, and the AirBnB rental property, on the large smart screen, for all present. Mr. Hegstetter identifies the cars that add light to the Karakassis-Migdal property. Mr. Hegstetter also notes he saw a bus and farm equipment on the other side of the subject fence. Chris Carney and Chris Klose each state they also saw a bus. Acting Chair Hegstetter states the question before the ZBA is the violation and order to remedy issued by ZEO Bob Fennell, and reads, for all present, Mr. Fennell's letter to the applicant [see Exhibit A].

At 7:10pm Acting Chair Hegstetter asks for a motion to open the public hearing. Chris Carney so moves, Chris Klose seconds, and all Board members present vote in favor of opening the public hearing. Acting Chair Hegstetter asks members of the public to address their comments to the Board only, and include their name and address, and to speak for no more than two minutes.

Amy Dubin of 107, and 159 Pitcher Lane states she owns 250 acres on Pitcher Lane, and notes number 159 is across the road from the subject parcel. Ms. Dubin states she attended the Planning Board meetings regarding light screening from the parking lot of Ozone, and further states the meeting consisted of an amicable discussion regarding vegetative screening from light. Ms. Dubin states the discussion was non-acrimonious and was a give and take. Ms. Dubin further states she is at number 159 everyday, for the past three years, to complete a renovation, and further notes she finds the plastic fence, school bus, and farm equipment all theatre. Ms. Dubin states the workers on her property knew exactly what was going on, and stated to her "Norman Greig is putting up a spite fence". Ms. Dubin characterizes this action as vindictive, against a property owner expressing her own opinion on a property development near her, stating it is an obvious spite fence.

Anne Greig of 223 Pitcher Lane asks the Board to explain the purpose of the public hearing. Ms. Greig states the matter is a legal issue regarding the code, which defines Agricultural Fencing. Ms. Greig further states the neighbors have a different feeling in calling it a spite fence, but this has no bearing on whether or not the fence is legal.

Acting Chair Hegstetter reads the Zoning Code Section, defining a Spite Fence, [§ 143-28 C disallows a Spite Fence, placed for the sole or dominant purpose of annoying the

neighbor, whose property it surrounds, by preventing the passage of light, air, and/or view from the neighbor's property.] and further states the ZEO's Interpretation of the Code is the Board's purview. Victoria Polidoro states the ZBA is required to have a public hearing, and further states the ZEO deemed the fence was installed with no permit, and even though an Agricultural Fence is exempt from the permit requirement, the ZEO did not consider the subject fence an agricultural fence.

Anne Greig states she is on the subject parcel every day, in the section near the fence, and further states there is a lot of activity there. Ms. Greig further states Ken Migliorelli, who rents that land, is farming closer to the residential property line. Ms. Greig further states the bus is for farmworker labor commuting, and notes the fence is serving the purpose of screening the residential property from agricultural activity.

David Migdal of 152 Pitcher Lane, and co-owner of the parcel the subject fence surrounds on three sides, states he and his wife, Kate Karakassis, never asked for a fence, and further states his wife wrote a letter to the Planning Board, requesting a screening fence limited to 60' from the South West corner of their lot line, extending North, to the first tree. Mr. Migdal states he and his wife have never asked for screening from farm operations, and further states he worked on a farm for years, and is familiar with farming activities. Mr. Migdal further states he and his wife chose their property because it had an open, flat view of the fields. Mr. Migdal states the fence has no agricultural purpose, and further notes no one has ever asked for a such a fence. He further notes the subject fence was installed without site plan approval, and describes the fence as an ugly, plastic structure, extending around 600', on three sides of his and his wife's property. Mr. Migdal notes there is an AirBnB rental, owned by Mr. Greig, that is right next to a farm field, with table and chairs outside, to allow for enjoyment of the view. Clerk Rubin displays the photograph of the AirBnB, submitted to the Board, on the smart screen, for all present.

Mr. Migdal states the subject fence was built 12 years after he and his wife moved to the property, and right after his wife stated her opinion at a Planning Board meeting. Mr. Migdal further stated he and his wife have seen buses in the adjacent field before, and further stated it is not an issue for them. Mr. Migdal stated he and his wife never asked for such a fence, and find it is a nuisance.

Acting Chair Hegstetter asks the public if there are any further comments. There being none, Mr. Hegstetter asks Mr. Migdal if he and his wife would be ok with the subject fence, if it were reduced to the dimensions, he and his wife had originally requested – some 60' in length between their property and Ozone. Mr. Migdal replies his wife and the Ozone tenant, Amelia LeGare, had discussed a different option. Acting Chair Hegstetter asks if there is some workable solution, that is not all or nothing, noting the Ozone property is still before the Planning Board for Site Plan review. Victoria Polidoro replies it is an all or nothing situation, regarding the subject fence, since, if the ZBA rules the subject fence is not an Agricultural Fence, there is a requirement for a Building Permit, and Notice of Violation from the ZEO. Ms. Polidoro also notes Site Plan approval from the Planning Board, for Ozone, also includes approval of the materials.

The applicant, Norman Greig, states the discussion with the Planning Board involved screening, and further stated vegetative screening would take too long to grow, to satisfy the adjacent property owner's request. Mr. Greig states Ms. Karakassis tied a ribbon to a tree, at seven feet in height. Mr. Greig further states Building Inspector, Steve Cole, told him there was no Building Permit requirement for fences in the Agricultural Business District (ABD). Mr. Greig further states a seven-foot-high fence requires Planning Board approval, but a six-foot fence does not. Mr. Greig states Ken Migliorelli was concerned about a separation between agricultural and residential activities, since he was working on tomatoes 24 hours a day. Mr. Greig states the purpose of the subject fence is for screening light and dust, and further states lumber is too pricey. Acting Chair Hegstetter notes the fence would be useful for screening light on one side only, and asks the applicant if he had any dialogue with Ms. Karakassis regarding the subject fence, to which Mr. Greig replies he did not.

David Migdal states the Planning Board specifically asked the Ozone owner and his wife to work something out, and further states his wife never asked for a seven-foot-high fence. Acting Chair Hegstetter notes the fence would have to be installed by Mr. Greig. Amelia LeGare, owner of Ozone, at 148 Pitcher Lane, states she and Mr. Greig were to split the cost of whatever she and Ms. Karakassis came up with. Acting Chair Hegstetter asks ZEO Bob Fennell if he had any discussions with Mr. Greig, before the subject fence was installed, to which Mr. Fennell replies he did not.

Acting Chair Hegstetter proposes a compromise to keep a section of the fence, along the Ozone parking area, and pull down the rest. Mr. Hegstetter notes public comment supports the idea that the fence is a Spite Fence, and asks the applicant if there is a place in the middle, between a total tear-down, and a total leaving it up. Mr. Migdal states the 60', on the North side, from the South West corner of their lot line, extending North, could work, and also notes, this would only be workable if the screening, proposed by the Planning Board, for Ms. Karakassis and Ms. LeGare to work out, was not going to be installed. Mr. Migdal states screening or fencing, along this line, all the way up to the road is not needed.

Norman Greig states Ms. Karakassis complained about light from the greenhouse, which, he states, is more than light from cars. Mr. Greig further states everything on the farm happens around that house. Acting Chair Hegstetter notes the current form of insulation is not working for Mr. Migdal and Ms. Karakassis. David Migdal states the greenhouse is used to grow plants for CBD, and uses grow lights in winter. Mr. Migdal notes the growing season is completed in five to six weeks, and states he and his wife have no further complaint with it. Mr. Migdal further notes the subject fence would not protect them from that.

Amy Dubin states the matter was amicably resolved between Amelia and Kate, and further states Norman Greig intervened with a plastic fence, which she calls an eyesore. Ms. Dubin asks the Board to let Kate and Amelia work it out, and to not justify the subject fence. Acting Chair Hegstetter states he is looking for an amicable solution,

since Mr. Migdal, Ms. Karakassis, and Mr. Greig are neighbors. Mr. Hegstetter states there was no letter, submitted to the Board, in support of the subject fence. Acting Chair Hegstetter states he would like to close the public hearing. Chris Carney states he saw the same thing as everyone else, and states he would support a 60' segment from the South West corner to Pitcher Lane. Victoria Polidoro states the ZBA can ask questions, and can find a portion of the fence serves an agricultural purpose, but the rest of it does not. Chris Klose states the issue concerns the structure only. Mr. Klose states the original solution is not the purview of the ZBA, but among the neighbors there is a concern that we focus on a six-foot-high surround of a house. Mr. Klose states he has a farm, and further notes we live in a modern age, in which two people can get together and talk it out. Mr. Klose states the matter at hand involves the question of whether the structure itself is a Spite Fence. Victoria Polidoro states, in order for the subject fence to be a Spite Fence, the Board would have to find that it does not serve an agricultural purpose. Acting Chair Hegstetter states he would like to hear from Ken Migliorelli, regarding a light barrier to screen headlights, and further notes it is not the ZBA's purview to discuss materials. Chris Klose notes the closer the fence is, the shorter it can be., and further states arbor vitae is fast growing, and can block headlights, in order to maintain the historic quality of the property.

At 7:44pm Acting Chair Hegstetter 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.

Acting Chair Hegstetter and the Board members present ask Victoria Polidoro to draft a resolution, and further states he would like to hear from Ken Migliorelli, to which Victoria Polidoro replies the public hearing is now closed for comments. Acting Chair Hegstetter states Mr. Greig has indicated there was a May 20th email from Mr. Migliorelli, to Mr. Fennell, as a comment from a farming tenant, in favor of separation between his intensive farming activity, and residential uses. Mr. Fennell states he has no record of such an email, and states he will check again. Clerk Rubin states the ZBA Office has received no forwarding of such an email, from Mr. Fennell. Acting Chair Hegstetter states he would like a written resolution, and vote, for the next meeting, August 11, 2021, and further states it will be the first item on the agenda, following the preliminaries. Mr. Hegstetter states it is always nice to see a compromise.

At 7:47 pm Chairperson Karakassis returns to the meeting, reads the agenda item, and invites the applicant to present his proposal.

Review ZBA 21-04 Snyder for a Non-Conforming Use

Dave and Rose Snyder application for a Non-Conforming Use to covert a former bowling alley, also a non-conforming use, to a retail operation selling beer, non-alcoholic beverages, tobacco, lottery tickets, and snacks. The Town of Red Hook Zoning Law, Section 143-125 C states A nonconforming use shall not be changed to another nonconforming use without prior approval by the Board of Appeals and then only to a use which, as determined by the Board of Appeals, is of the same or more restricted nature.

The subject parcel is located at 3974 Route 9G, in the RD3 Zoning District, of the Town of Red Hook.

Mr. Snyder, the applicant, and property owner, states he is nearing retirement age, and is looking to sell the subject parcel. He states he operated it as Rollin Lanes for some 30 years, and states there is little interest in the property as a bowling center. Mr. Snyder states the owner of BEER World, is possibly interested in purchasing the property. Jim Hegstetter asks the applicant to confirm he is selling and not leasing the property, which Mr. Snyder does. Mr. Hegstetter states, though New York states has no dual-use policy, currently, it is possible, at some future time, that there could also be a marijuana dispensary on the premises.

Chairperson Karakassis states the bowling alley closed in March of 2020, due to New York State mandates, connected to the CoVid-19 pandemic. John Safety, representing BEER World, state there is no way the company will be selling pot. Chris Klose confirms with Mr. Safety, the retail operation does sell e-cigarettes. Victoria Polidoro notes the bowling alley is already a non-conforming use. Mr. Safety states BEER World works with micro-breweries all over New York States, and further notes a single can of this type of beer costs about the same as a six-pack of cheap beer. Mr. Safety states there are currently 13 sites where BEER World is operating, or under development to operate. Chairperson Karakassis asks Mr. Safety what the hours of operation are, to which Mr. Safety replies 9:00am to 9:00pm, seven days a week. Jim Hegstetter notes the Kingston, NY store is clean, well-lit, well-staffed, and near a Chipotle restaurant. Mr. Hegstetter asks if BEER World plans on installing any other structures on the subject parcel.

Nick Staley, the realtor in charge of the sale of the subject parcel, states the sale is contingent on the change of use approval, and further states the taxes on the parcel amount to some \$36,000.00 per year. Mr. Staley states BEER World is conducting an inspection, and further notes the deal may not happen. ZEO Bob Fennell states the variance request is for a change of use, not a variance. Chairperson Karakassis asks the applicant to confirm he is asking for a change of use, but everything is not finalized for the sale, which Mr. Snyder confirms. Victoria Polidoro notes if the current use lapses for more than 18 months, without operation, the applicant will lose the non-conforming use. Chairperson Karakassis notes the clock would start from the time businesses were authorized to reopen by New York State, and not from the date of mandated closure, due to the pandemic.

Victoria Polidoro asks the applicant about vehicle trips and hours of operation, at his bowling alley. Chris Klose asks how many cars were in the lot during peak business hours. Mr. Snyder states the average number of cars in the lot was about 150, and further states on a busy day, that number could triple. Mr. Snyder states the hours of operation were from 9:00 am to midnight, and further states the business began slowing down in 2008. ZEO Bob Fennell reads Code Section 143-125 D – regarding the cessation of a non-conforming use, for all present: *A nonconforming use shall not be reestablished if such use has been discontinued for any reason, whether through vacancy or cessation of use, irrespective of the intent of the owner of the premises or any other person, for a period of*

18 calendar months or longer or has been changed to or replaced by a conforming use for any period of time.

John Safety states BEER World has commissioned two traffic studies, at two separate locations, which he can share with the Board. Nick Staley asks the Board if the owner of the bowling alley can reopen his business for a month, to restart the 18-month clock, to which ZEO Bob Fennell replies he has heard of businesses opening for one day. John Safety states there are, according to the above-mentioned traffic studies, about 43 cars in the BEER World parking lot, at the peak business hours, between 2:00pm and 3:00pm, on a Saturday.

Dave Snyder states his business went down after 2009, up to the closure for the pandemic, with hours of operation only 5 days per week, with maybe 40 hours of operation. Chris Klose asks if there will be trucks going in and out of the parking lot for beer deliveries. Chairperson Karakassis states the area behind the bowling alley appears to have been used for deliveries. Dave Snyder states trucks from Dutchess Beer, and Manhattan Beer came twice a week, while the bowling alley was operating. Jim Hegstetter states the nearest BEER World retail outlet is some ten miles away, on Ulster Avenue, in Kingston.

Victoria Polidoro states the application will need to be referred to the Dutchess County Planning Department, since the subject parcel is within 500' of New York State Route 9G.

At 8:15 Chairperson Karakassis asks for a motion to schedule a public hearing for the August 11, ZBA meeting. Jim Hegstetter so moves, Chris Klose seconds, and all ZBA members present vote in favor of scheduling the public hearing.

Chairperson Karakassis asks the Board to discuss a Meeting Length Policy, in order to conclude all meetings by a set time, and to move outstanding agenda items to a Special Meeting, or the next regular meeting. Jim Hegstetter suggests 9:30pm, and states two and a half hours is long enough for a meeting. Chris Klose states he agrees. Chairperson Karakassis asks Clerk Rubin to draft a policy for the Board to vote on at the next meeting.

At 8:20pm 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 regularly scheduled ZBA meeting is on Wednesday, August 11, 2021, at 7:00 pm. The meeting will be conducted in person, at Town Hall, 7340 South Broadway, Red Hook, NY. Masks are required to attend.

**TOWN OF RED HOOK
OFFICE OF THE ZONING ENFORCEMENT OFFICER
7340 SOUTH BROADWAY, RED HOOK NY 12571**

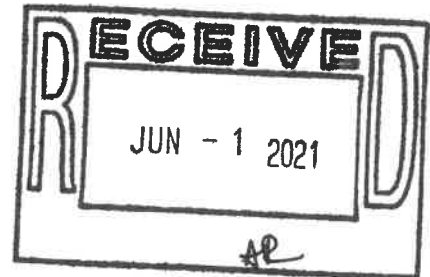
May 21, 2021

Tax Parcel: 6273-00-896812

Location: 144-155 Pitcher Lane

Name: Robert T. Greig; Norman Greig

Mailing Address: 221 Pitcher Lane Red Hook, NY 12571



Dear Mr. Greig and Mr. Greig,

When I met with Norman Greig on May 13, 2021 here at the Town Hall to discuss the Order To Remedy Violation that I had sent to both of you on May 7, 2021 concerning the fence you have erected around the Karakassis property, Norman asked for an extension of time from the May 17, 2021 date in the order for your compliance, I agreed to an extension of two weeks or 14 days which would bring the date for compliance to May 31, 2021.

As a consequence, you are hereby ordered and directed to comply with the Zoning Law and remedy the violation outlined in the Order to Remedy Violation of May 7, 2021 by removing the fence in its entirety from around the Karakassis property on or before May 31, 2021.

Sincerely,

**Robert D. Fennell
Zoning Enforcement Officer**

EXHIBIT
A

TOWN OF RED HOOK

ZONING BOARD of APPEALS

7340 SOUTH BROADWAY, RED HOOK, N. Y. 12571

Tel: (845) 758-4624 • Fax: (845) 758-0492 • E-mail: arubin@redhook.org

NOTICE OF PUBLIC HEARING

ZONING BOARD OF APPEALS

TOWN OF RED HOOK

Please be advised that the Town of Red Hook Zoning Board of Appeals will hold a public hearing on July 14, 2021, at a regularly scheduled ZBA Meeting, which begins at 7:00 pm, for the appeal listed below. The location of this meeting is Town Hall of Red Hook, 7340 South Broadway, Red Hook, NY 12571. Anyone attending the meeting is required to wear a mask.

Norman Greig application for an Interpretation to remedy a violation, issued by the Town on May 7, 2021, regarding a six-foot high fence, of a green tarp material, installed on the subject parcel, without a building permit, and which surrounds a neighboring, residential property on three sides. The Town of Red Hook Zoning Law, Section 143-28 C disallows a Spite Fence. Said fence, which, by nature of its placement does not appear to have been constructed for the purpose of containing or protecting the farm operation, does appear to have been placed for the sole or dominant purpose of annoying the neighbor, whose property it surrounds, by preventing the passage of light, air, and/or view from the neighbor's property. The subject parcel is located at 144-150 Pitcher Lane, in the Agricultural Business (ABD) Zoning District, of the Town of Red Hook.

Members of the public wishing to comment may attend the meeting in person, or submit written comments, via the USPS, or email. For further information, or to submit written comments, please contact ZBA Clerk, Anne Rubin at arubin@redhook.org, or (845)758-4624 **by noon of July 14, 2021**

Kate Karakassis
152 Pitcher Lane
Red Hook, NY 12571

June 29, 2021

Town of Red Hook Zoning Board of Appeals
7340 South Broadway
Red Hook, NY 12571



Re: Application for Interpretation ZBA 21-03

Dear Zoning Board Members:

My home at 152 Pitcher Lane is surrounded by the fence Mr. Greig constructed over a 3 day period starting around April 30, 2021. At that time the Planning Board was *in the process* of considering a site plan for the Ozone shop and education center, which has created a parking lot approximately 60 feet from my property. The Planning Board is the only entity with the power to require shielding for this parking lot. My letter to the Planning Board requesting that the site plan include some means of obscuring the Ozone parking lot from my property was sent separately to the ZBA clerk with the request it be attached to this letter. Please note I do not suggest a length, a height, or a location for the screening. Contrary to Mr. Greig's comments, I have never demanded a fence length or height of anyone, and at the last Planning Board meeting prior to the fence's construction I specifically asked that a planned fence around the parking lot itself be 4 ½ feet high.

Mr Greig constructed the 6 foot tall, 600 foot long plastic fence without Planning Board approval and with complete disregard for my clear statement to him on the morning of April 28th, that if he was considering a perimeter fence, I wanted only a fence of about 60 feet running along the west side of my property.*

Mr. Greig has told various people that the fence is for my benefit, to shield me from agricultural activity on his property. I have never asked for any shielding from agricultural activity. Mr Greig deliberately tries to graft a never made "demand" onto my actual request to the Planning Board for some measures to obscure the Ozone parking from my property.

As the alleged beneficiary of the fence, let me say that except for approximately 60 feet, extending from the southwest corner of my property north towards Pitcher Lane, the fence is of absolutely no benefit to me. It is ugly, it obstructs our view and it has no agricultural purpose. If I thought a fence around my property would be a benefit, I would have built one.

If Mr. Greig truly thought a fence would benefit to residential properties adjacent to his farmed property, he certainly would have constructed a fence around his Airbnb short term rental located immediately south of the Ozone shop, as seen in the picture at the bottom of this letter. Mr. Greig has placed a table and chairs outside the rental unit, so that renters can enjoy the expansive view of the sky and fields. Why would Mr. Greig deny the same benefit

page 2

to me?

Mr. Greig constructed the fence immediately after I opposed his application for a second airstrip on his lot adjoining my property, and after I opposed unconditioned approval for a cider tasting room located at the Greig commercial complex on Pitcher Lane. Mr. Greig also objected to my opposition in 2012 to his planned inn and 80 seat restaurant to be located in the barn where Ozone now operates. Because my 1 acre property was carved out of the larger Greig owned parcel, Mr. Greig has the ability to effectively cage me in on 3 sides, and he has chosen to do so to signal his displeasure with my views about the commercialization of Pitcher Lane. He has no concerns for my well being.

I have lived on this property since June 2009. Since then there has been sporadic seasonal agricultural operation on the adjacent parcels including you-pick pumpkin and strawberry fields running right up to the border of the lot, farm vehicles driving around the perimeter and field workers working right around the perimeter.

Since 2009 I have not complained to anyone, not to Mr. Greig, nor to Mr. Migliorelli who farms the fields next to my property, and not to any field workers about the farming activity on Mr. Greig's properties.

Since 2009 no one has complained to me about any activity on my property that affected agricultural operations.

Since 2009 there has never been a fence around my property, and to my knowledge there was no fence at any time prior to 2009.

Since 2009 no one has ever discussed with me or asked my opinion about any agricultural activity on the adjacent parcels.

Since 2009 there has never been any nighttime farming activity that used lights, so a fence serves no function to screen my home from farm vehicles.

The fence serves no agricultural purpose. It does not improve farming practices, protect crops, increase crop yield, or promote any farming activity.

Mr. Greig's fence is not a buffer fence, because the purpose of a buffer fence is to shield or block nuisances. As stated above, my family and I are entirely comfortable with all the farming activity we have observed since 2009 and do not consider it to be a nuisance. The primary purpose of Mr Greig's fence is to annoy me, to surround my property with an ugly plastic fence, to block the view and sunlight from my property, to indicate his annoyance with my opposition to the commercialization of Pitcher Lane, and to demonstrate his ability to affect the quiet enjoyment of my property.

I ask the Zoning Board to confirm both the ZEO's determination that the fence is a violation of Red Hook's zoning code and the Town's order that the fence must be removed.

Kate Karakassis

*On the morning of April 28, 2021, I saw Mr. Greig examining the ground around the southwest corner of the property. Amelia Legare, owner of the Ozone shop and education center had previously told me Mr. Greig planned a fence along the border and she walked the length from the southwest corner of my property about 60 ft to the first tall tree, and I told her that would shield the parking. So, I went out and asked Mr. Greig if we could talk. He asked me if I knew where the survey markers were and I responded I did not. After a few moments of silence, I told him that for the purposes of screening the Ozone parking lot, a fence running from the corner down to the first big tree was all I was asking for. Mr. Greig did not respond to my comment, we had no further discussion and after a few minutes I walked back to my house.

Below is a picture of the short term rental located immediately next to Ozone's yard and the table and chairs Mr. Greig thoughtfully provides so the renters may enjoy unimpeded views of the farm and sky.



Anne Rubin

From: Kate Karakassis <kate.karakassis@gmail.com>
Sent: Monday, June 28, 2021 2:15 PM
To: Anne Rubin
Subject: Fwd: Ozone - Public Hearing April 19

Dear Anne -

I write regarding Norman Greig's application for an interpretation of the zoning code which is on the agenda for the ZBA's July 7th meeting. I will send my letter to the Board for inclusion in the public hearing separately, but I would like to have the email below included in the record as an attachment to that letter. Thank you.

Kate

----- Forwarded message -----

From: Kate Karakassis <kate.karakassis@gmail.com>
Date: Wed, Apr 14, 2021 at 1:45 PM
Subject: Ozone - Public Hearing April 19
To: <planning@redhook.org> <planning@redhook.org>

Dear planning Board Members:

My home at 152 Pitcher Lane, on parcel 828849, abuts the Ozone parcel. The parking area is about 60 feet from my property.

Red Hook zoning code Sec. 143-38 requires screening for non-residential "parking, loading or service areas of all descriptions" from view from abutting residential districts.

Below is ZEO Bob Fennell's response to my inquiry about applicability of this section to the Ozone parking lot. Also is attached is a photo taken a few days ago showing the parking space from my garden.

I request that as part of the Ozone site plan approval, the Board require screening sufficient to obscure Ozone's parking and service areas from view from my adjoining property.

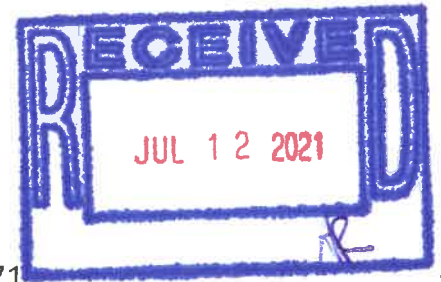
Very truly yours,

Kate Karakassis

July 11, 2021

To: Town of Red Hook Zoning Board of Appeals

From: Linda J. Keeling, 238 Pitcher Lane, Red Hook, NY 12571



Re: PUBLIC HEARING, 7-14-21:

Norman Greig's Application, Interpretation of 6 ft. high green tarp spite fence

Aside from this recent incident of acting on his own without a building permit Norman Greig has been and continues to be a bad actor:

1. A few years back, a neighbor complained to the NYSDEC about Norman filling in a wetland located on Guski Road with about 9 feet of fill. As a result, DEC fined Norman. He was forced to remove the fill and return the area to its prior state.
2. From 2014-2018, Norman hosted two different food trucks on his property when the Zoning Code did not provide for this activity, thereby being an illegal activity. A neighbor had to complain to the Town's Code Enforcer, County Health Dept., NYSDEC, and the State Dept. in order to fix the 11 health violations, lack of an ADA bathroom, washing station, constant noxious air pollution and lack of a septic tank.
3. Several years ago, the Farmers Market vendors were doing business in the barn without Health Department Licenses visibly posted for the public. Food was not kept hot enough due to a lack of outlets causing gastro-intestinal complaints. A disabled person noticed the Deli Market / Café does not have a Health permit posted. This person will not buy food or eat there for fear of getting sick.
4. In 2018, a second level addition was built onto the barn without a building permit. When undergoing a renovation, Federal ADA requirements necessitate that multiple levels be accessible to the disabled. A complaint was filed by a disabled person to the USDOJ in 2020 regarding this discrimination without remediation made to date.
5. At the last Planning Board meeting, the plan submitted by Norman lacked the proper number and design required by the ADA Code. To date, the parking is still not in compliance even with the addition of two new operating businesses: Cidery and Jewelry. This barn complex has morphed into a mega-Commercial complex rather than a supplemental farm entity. Norman is a full-time landlord with additional multiple rooms for rent rather than a farmer.

6. The O Zone business location did not have a building permit before doing business there. It is the property owner's responsibility to make sure everything is in compliance with local Zoning code rules. The parking and front door are still not ADA compliant nor is the signage moved back from the road as requested by the Planning Board.

During the last Planning Board Zoom meeting, discussion focused on trying to legitimize the O Zone business property in relation to the adjacent neighbor in the yellow house. It was agreed that landscaping be installed to off-set the car lights that might shine onto this property. This neighbor was not aggressive in any manner and was pleasantly agreeable to the recommendation.

In an unjustified aggressive harassing action, Norman Greig took it upon himself to install an unpermitted 6 ft. tall green tarp spite fence surrounding three sides of the neighbor's property. Aside from being an unnecessary illegal addition, it looks hideous and outwardly childishly spiteful on his part.

This fencing type does not qualify under the specified terms of the Zoning Code nor the recommendations set forth by the Planning Board. The ZEO is correct in his determination and the bad actor, Norman Greig, should be fined, the illegal fencing removed immediately and a proper Planning Board approved landscape plan installed between the O Zone business property and said neighbor.

As noted, Norman Greig has a vast history of thumbing his nose at the Zoning Code rules which are meant to protect the rights of all people. He must be made an example to follow the legal guidelines.

Norman Greig's appeal should be denied based on the above evidence.

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