

Town of Red Hook ZBA
Draft Meeting Minutes
March 8, 2023

Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:00pm. Present are Chairperson Karakassis, Chris Carney, Chris Klose, and George Jahn. Absent is John Bonavita-Goldman. Also Present are: ZBA Attorney, Janis M. Gomez-Anderson, Town of Red Hook ZEO, Bob Fennell, and Town Board Liason, Bill Hamel.

At 7:00pm Chairperson Karakassis opens the meeting.

Approval of Draft Minutes

Chairperson Karakassis remands the vote on the October 2022 Minutes to the April 2023 meeting.

Planning Board Minutes

Chairperson Karakassis states the Planning Board minutes are not online yet, and further states she has no concerns at this time. Chairperson Karakassis notes the Board will be reviewing an appeal submitted by Bard College, which is also before the Planning Board at this time.

Comments from the Chair

Chairperson Karakassis states she has no comments at this time.

Review

ZBA 23-01 Devereaux Foundation, represented by John Lopez, application for an area variance to install a chain link fence, eight feet in height, around the entire perimeter of the Devereaux Campus. The Town of Red Hook Zoning Law, Section 143-28A limits the heights of fences to six feet in the side and rear yards, and four feet in height in the front yard. The subject parcel is located at 40 Devereaux Way, in the Town of Red Hook, in the Institutional Zoning District.

Chairperson Karakassis reads the agenda item, and asks who is representing the Devereux Foundation, pursuant to this appeal. Mr. John Lopez, Executive Director of the Devereux Foundation, New York, and Mr. Bob Baker, owner of Residential Renovations, a general contracting firm, state Mr. Lopez is representing the Devereux Foundation, and Mr. Baker is the fence installer.

Chairperson Karakassis asks Mr. Lopez to state why he wishes to install a fence around the perimeter of the Devereux property, to which Mr. Lopez replies it is for safety and security. Mr. Lopez further states the objective is also to keep unwanted people, such as disgruntled, former employees, out of the of the property. Mr. Lopez also states there is a concern regarding school shootings, and a risk to the students being so close to a major road. Mr. Lopez states a fence, eight feet in height, gives greater security.

George Jahn confirms with Mr. Lopez, the fence will be a chain-link type fence, and further asks Mr. Lopez if barbed wire will be installed at the top of the fence. Mr. Lopez replies it will not, and further states the fence will not be installed at the edge of the perimeter, but instead closer to the school, and up the driveway. Mr. Baker states the fence is expected to be between 4500 and 5000 linear feet, and further states it will encompass about half the property.

Chairperson Karakassis states the Board must refer the proposal to Dutchess County Planning, for comment, and further states she has concerns about the location of a fence on New York State Route 9. Mr. Lopez offers to submit a drawing. Mr. Baker states there is some existing fence, which will be replaced.

Chairperson Karakassis states it would help the Board to submit a complete proposal to the County, and further notes Dutchess County Planning will likely request more information. Mr. Baker states he will have to remove some trees, and the existing eight-foot-high deer fence will be replaced. George Jahn asks Mr. Lopez if the neighboring property owners have been notified of the proposal, to which Mr. Lopez replies they wanted to start the variance process first.

Chairperson Karakassis asks Mr. Lopez if there have been any other problems with individuals wandering off the campus, to which Mr. Lopez replies it is a somewhat common problem with the population they serve, and notes it happens several times a year. Mr. Lopez states there are 89 residents currently, with a capacity of 156, and about 250 staff members. Chairperson Karakassis asks Mr. Lopez if he is concerned about intruders, to which Mr. Lopez replies there have been a couple of incidences of a former employee making threats. Mr. Baker states there is a concern regarding sight-seers, who are curious about the facility. Chairperson Karakassis states signage and gates may also deter the curious.

Chairperson Karakassis asks Mr. Lopez if they can come back to the next meeting with additional documentation. ZEO Bob Fennell asks if the Planning Board is going to be Lead Agency, to which Chairperson Karakassis replies the ZBA can let the Planning Board assume the role of Lead Agency. ZBA Attorney Janis Gomez-Anderson states the Planning Board is only reviewing the fence, and recommends the ZBA obtain a long form Environmental Assessment Form from the applicant, and further notes the Planning Board can be Lead Agency. Chairperson Karakassis confirms with the applicant the map submitted is approximate, an estimate, and notes there will likely be changes to it. Mr. Baker states any changes will be insignificant.

Mr. Baker further states he is trying to make the fence hidden, so the property does not look like a prison. Mr. Baker notes there is extra expense to drill through rock. Ms. Gomez-Anderson states the map submitted by the applicant does not show trees or New York State Route 9. Chairperson Karakassis states the applicant needs to supplement what he has submitted with photographs of the existing fence, and trees. Ms. Gomez-Anderson notes the five criteria for granting a variance also include the physical aspects of the proposal, and further notes Dutchess County Planning must receive a complete application, and states they do not decide on the variance, but instead will provide comments.

Chris Klose asks if there is urgency to the application, to which Mr. Lopez replies there is not, but also states he does not wish to delay it unnecessarily. Mr. Baker confirms with ZEO Bob Fennell fences six feet in height are permitted in the side and rear yards, and fences four feet in height are permitted in the front yard, with no variance required.

Chairperson Karakassis states with the Environmental Assessment Short Form (EAF-S), the Board can declare an Action a Type I, a Type II, or an Unlisted Action, and further states the applicant's proposal does not appear to fit into Type I, or Type II Actions, and states it appears to be an Unlisted Action. Chairperson Karakassis asks the Board if it wants to declare the Action an Unlisted Action. Ms. Gomez-Anderson states Type II Actions have no environmental impact, Type I Actions have an environmental impact, and further states with an Unlisted Action, the Board must determine if there is an environmental impact. Chairperson Karakassis states this type of fence, on a non-residential property does not appear on the lists of Actions, and recommends the Board obtain more information on the Environmental Assessment Long Form.

At 7:21 pm Chairperson Karakassis moves to classify the Action as an Unlisted Action. Chris Klose seconds, and Chairperson Karakassis, Chris Klose, Chris Carney, and George Jahn vote in favor of declaring the Action Unlisted.

At 7:22 pm Chairperson Karakassis asks for a motion for the ZBA to conduct an uncoordinated review. Chris Klose so moves, George Jahn seconds and Chairperson Karakassis, Chris Klose, Chris Carney, and George Jahn vote in favor of the ZBA conducting an uncoordinated review.

Ms. Gomez-Anderson states the Board can also go over the Environmental Assessment Short Form (EAF-S) with the applicant, and further notes the Board does not need to make a determination at this meeting, it can just decide if it wants more information.

Chairperson Karakassis states, referring to the EAF-S Part 1, Section 3A, regarding total acreage of the proposed action, the applicant should provide the extent of linear feet. Mr. Lopez states it will be 5000 linear feet, and writes it in the form, with his initials, and the date. Ms. Gomez-Anderson states the ZBA fills out Part 2 of the form. Chairperson Karakassis refers to Part 1, Section 6, which states "Is the proposed action consistent with the predominant character of the existing built or natural landscape?", and states the applicant must answer this question. Mr. Lopez states the answer is "yes", and initials

and dates the form with his answer. Chairperson Karakassis asks the applicant if any of the neighbors have a fence, to which Mr. Lopez replies there is a decorative fence on Vosburgh Road, and Mr. Baker states Old Post Road has an eight-foot-high, chain-link, deer fence.

Chairperson Karakassis asks the Board members if they feel the Board has enough information, based on the EAF-S. Ms. Gomez-Anderson asks the applicant if there are any critical environmental areas, to which Mr. Baker replies they went over wetlands with ZEO Bob Fennell. George Jahn notes there will be a change to the parking area, and Mr. Lopez replies one parking space will be eliminated to install the fence. Chairperson Karakassis states the Board is good with the EAF-S, and it will continue its review at the next meeting. Mr. Lopez confirms with Chairperson Karakassis he will submit an updated application and visuals of the proposal.

Review

ZBA 23-02 Bard College, represented by Coleen Murphy Alexander application an area variance to construct four student residence halls as follows, Building A1 41' in height, Building B 47' 6" in height, Building C 46' in height, Building HH 43' in height. Section 143-12, The District Schedule of Area and Bulk Regulations, of the Town of Red Hook Zoning Law, limits the maximum height of buildings in the Institutional Zoning District to 35'. See also, 143-Attachment 2 of the Town of Red Hook Zoning Law. The subject parcel is located at 30 Campus Road, Annandale on Hudson, NY, in the Town of Red Hook, in the Institutional Zoning District.

Ms. Gomez-Anderson states the Bard College project is a Type I Action, and further notes the Planning Board is requesting to assume the role of Lead Agency for the project. Ms. Gomez-Anderson asks the Board if it consents to the Planning Board assuming the role of Lead Agency, and further asks if the Board has any concerns. Chairperson Karakassis states the Board must vote on the Lead Agency question, and further notes the ZBA does not typically involve itself in SEQR. Chairperson Karakassis asks the Board for questions and comments.

Chris Klose states his concern is the increase in traffic, due to additional residence halls. Mr. Klose states he thinks the ZBA will take this issue into consideration.

At 7:35 pm Chairperson Karakassis asks for a motion for the ZBA to concede Lead Agency status to the Planning Board. Chris Klose so moves, Chris Carney seconds, and Chairperson Karakassis, Chris Carney, Chris Klose, and George Jahn vote in favor of conceding Lead Agency status to the Planning Board.

Chairperson Karakassis reads the agenda item and states this is a big project, and further notes the ZBA will vote on the height of the proposed residency halls.

Chairperson Karakassis invites the applicant to state what the project is, why is it needed, and why is the project unable to comply with zoning.

Laurel Reiter of DBI Projects states the project involves the construction of four new residence halls and a Head House, containing classrooms and student rooms. Ms. Reiter states the proposed residence halls will provide 428 beds in double and single rooms, which will be in a suite-style, with each suite having its own kitchen and bathrooms. Michael Clayton, the Bard College Director of Buildings and Grounds states the slope of the land makes it impossible to comply with zoning, with regard to height. Mr. Clayton further notes each building is shown with the slope of the land. George Jahn asks if the height is measured from the slab, and Bob Fennell replies the height is calculated from the soil.

Greg Mell of KPF Architects states the site plan is constrained by forest and prairie, and further states the goal is to make use of an existing building site. Chairperson Karakassis asks the applicant if they plan to replace existing dormitory space, to which Ms. Murphy-Alexander replies it is a combination of replacing old dorms and adding new dorms. Ms. Murphy-Alexander further states Bard College has 72% of students on campus, and states most colleges have 95% of students on campus. Chairperson Karakassis asks the applicant how many additional beds will be added to the campus, to which Ms. Murphy-Alexander replies 200. Ms. Murphy-Alexander further states Bard College is not increasing its enrollment, and states nearly 400 students are unable to find housing in the area.

Chris Klose confirms with the applicant the number of students needing living space will be reduced by 200. George Jahn asks the applicant if some existing beds will be eliminated, since the number of beds proposed is some 420. Ms. Murphy-Alexander replies some of the existing residence halls will be decommissioned, and further notes Bard College will take Manor Hall offline for deferred maintenance, which is some 75 beds. Ms. Murphy-Alexander further states by the time Bard College accommodates the students needing a single room, it will be less than 400 students living in the proposed dorms. Chris Klose asks the applicant what the current student population at Bard College is, to which Ms. Murphy-Alexander replies 1,840. Chris Klose asks the applicant what the total economic impact on the Town of Red Hook will be. Ms. Murphy-Alexander states she does not have those numbers, but states there will be a \$419,000,000 impact on Dutchess County.

Ms. Gomez-Anderson states the ZBA may not render a decision until the Planning Board has concluded with SEQR. Chairperson Karakassis states the ZBA will meet after the Planning Board SEQR review. Ms. Gomez-Anderson states the application can be sent to County Planning now, and further notes the Board may schedule a public hearing, and not close it until the Planning Board has finished its SEQR review.

Chairperson Karakassis asks the Board members if they need any additional information at this time, and asks for a motion to schedule a public hearing for the May 10, 2023 ZBA meeting. At 7:55 pm Chris Klose moves to schedule a public hearing, for

the Bard College appeal, on May 10, 23. George Jahn seconds the motion and Chairperson Karakassis, Chris Carney, Chris Klose, and George Jahn vote in favor of scheduling a public hearing for the Bard College appeal on May 10, 2023.

At 7:55 pm George Jahn moves to adjourn the meeting. Chairperson Karakassis seconds the motion, and Chairperson Karakassis, Chris Carney, Chris Klose and George Jahn vote in favor of adjourning the meeting.

The next regularly scheduled ZBA meeting is April 12, 2023.