

Town of Red Hook ZBA
Draft Meeting Minutes
September 13, 2023

Preliminaries

Roll Call

Chairperson Karakassis moves to call the meeting to order at 7:00pm. Present are Chairperson Karakassis, Chris Carney, and Chris Klose. John Bonavita-Goldman and George Jahn are absent. Also Present are ZBA Attorney, Janis Gomez Anderson, ZEO Bob Fennell. Town Board Liaison Bill Hamel is absent.

Approval of Draft Minutes 8-9-2023

At 7:03pm Chairperson Karakassis asks for a motion to approve the August 9, 2023 draft meeting minutes. There is no discussion. Chris Klose so moves and Chris Carney seconds. Chairperson Karakassis, Chris Carney, and Chris Klose vote in favor of approving the draft August 9, 2023 meeting minutes as written. George Jahn and John Bonavita-Goldman are absent.

Planning Board Minutes and Comments from the Chair

Chairperson Karakassis states there is nothing of note for the ZBA in the Planning Board minutes, and further states the ZBA has received a Lead Agency Request from the Town Board, regarding the Cookingham West Subdivision and Conveyance.

At 7:02pm Chairperson Karakassis moves to grant Lead Agency status to the Town Board regarding the Cookingham West Subdivision and Conveyance. Chris Klose seconds the motion, and Chairperson Karakassis, Chris Carney, and Chris Klose vote in favor of the above motion. George Jahn and John Bonavita-Goldman are absent.

At 7:03pm Chairperson Karakassis notes the unexpected and untimely passing of longtime, former ZBA member, Jim Hegstetter. On behalf of the Board, Chairperson Karakassis extends sincere condolences to Board member Hegstetter's family.

Chris Klose describes Mr. Hegstetter as a very energetic and thoughtful community member, possessing a sense of time, place, and people. Mr. Klose notes the last time he was with Mr. Hegstetter was the 80th birthday celebration for Larry Thetford.

Public Hearing (continued from August 9, 2023)

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.

Chairperson Karakassis reads the agenda item, and states the public hearing for this appeal has been continued from the August 9, 2023 meeting, and prior meetings starting with the May 10, 2023 meeting, in order for the the Planning Board to conclude the SEQR process. Chairperson Karakassis asks if there are any members of the public present, who wish to make a statement regarding the above cited appeal, and notes there are none.

At 7:05pm Chairperson Karakassis asks for a motion to close the public hearing. Chris Klose so moves, Chris Carney seconds, and Chairperson Karakassis, Chris Carney, and Chris Klose vote in favor of closing the public hearing. George Jahn and John Bonavita-Goldman are absent.

Chairperson Karakassis states the Planning Board has concluded the SEQR process, and issued a Negative Declaration, and further states the Board may proceed with a vote on the variance request. Chairperson Karakassis asks for those present, representing the appeal to identify themselves. Vincenzo Tiberio, Bard College Assistant Director for Buildings and Grounds, and Capital Projects, and Laurel Reiter, of DBI Inc. each state their names and affiliations.

Chairperson Karakassis states she has a question regarding the additional 400+ bed spaces, and potential increases in traffic. Chairperson Karakassis asks Mr. Tiberio to confirm the intent of Bard College to require Freshmen to live on campus, resulting in a reduction of 200 cars on the campus. Mr. Tiberio states Freshmen will not be permitted to have a car on campus for the first year. Mr. Tiberio states there is no new information regarding the project. Ms. Reiter states there are no changes to the project, which would affect the requested variance.

Chairperson Karakassis proceeds with the variance as follows:

1. Chairperson Karakassis, Chris Carney, and Chris Klose agree the variance requested will not produce an undesirable change to the character of the neighborhood, or a detriment to nearby properties.

2. Chairperson Karakassis, Chris Carney, and Chris Klose agree the needs of the applicant cannot be achieved by other than an area variance.
3. Chairperson Karakassis, Chris Carney, and Chris Klose agree the requested variance is numerically substantial, but not substantial in impact.
4. Chairperson Karakassis, Chris Carney, and Chris Klose agree the requested variance will not affect the physical or environmental conditions in the neighborhood.
5. Chairperson Karakassis, Chris Carney, and Chris Klose agree the hardship for which the variance is sought to rectify is self-created.
6. Chairperson Karakassis, Chris Carney, and Chris Klose agree the variance being granted is the minimum variance to meet the needs of the applicant, based on the topography and slope of the earth.

At 7:10pm Chairperson Karakassis moves to grant the requested variance. Chris Carney seconds and Chairperson Karakassis, Chris Carney, and Chris Klose vote in favor of granting the requested variance. George Jahn and John Bonavita-Goldman are absent.

Chris Klose asks when the project will be completed, to which Ms. Reiter replies June or July 2025.

Chairperson Karakassis reads the agenda item for appeal 23-08 Eichin. Clerk Rubin displays the parcel map on the smart screen. Chairperson Karakassis states she has visited the parcel, and asks the applicant to state why she is seeking a variance.

Ms. Eichin states she needs the fence for privacy, and to block the view of cars, and a dumpster adjacent to her property. Chris Klose asks the applicant to confirm the lawn area of the parcel map is her property line, which she confirms. Ms. Eichin further states she purchased the property in 1984, and further states she moved out after seven years, and returned ten years ago. Ms. Eichin states she wants to stay, and enjoy her yard. Chairperson Karakassis confirms with the applicant her yard is surrounded on three sides by the neighboring parcel.

Chairperson Karakassis asks the Board members present if they have any questions. Chris Klose asks the applicant to state the setback from the road, to which Ms. Eichin states it is ten feet. Chris Klose asks the applicant if the road is busy, to which Ms. Eichin replies it is, and further states she does not like the look of a stockade fence across the front yard, and states the proposed fence will be the other three sides of the parcel. Chris Klose asks the applicant how old her house is, to which Ms. Eichin replies it was built in 1870, and states she would be hard pressed to sell her house without a fence, if she ever decided to sell.

ZBA Attorney, Janis Gomez Anderson recommends the Board vote on SEQR at the next meeting. Ms. Eichin states the fence was originally supposed to be completed by the end of August, and further states she is hoping to have it installed by the end of October. Chairperson Karakassis asks the applicant if she has already submitted an application to the Planning Board, to which Ms. Eichin replies she was waiting on the ZBA decision. Chairperson Karakassis states the applicant can apply to both Boards at the same time.

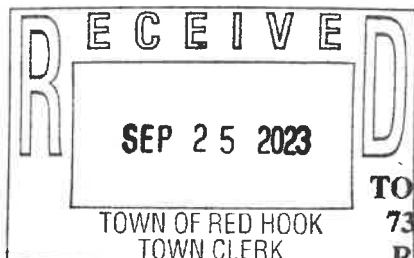
At 7:18 Chairperson Karkassis asks for a motion to set a public hearing for the above cited appeal, for the October 11, 2023 ZBA meeting. Chris Klose so moves, and Chris Carney seconds. Chairperson Karakassis, Chris Carney, and Chris Klose vote in favor of setting a public hearing for the above cited appeal, for the October 11, 2023 ZBA meeting.

Chairperson Karakassis asks the applicant if she has spoken to her neighbors regarding the fence, to which Ms. Eichin replies she has.

At 7:20pm Chairperson Karakassis asks for a motion to adjourn the meeting. Chris Klose so moves, Chris Carney seconds. Chairperson Karakassis, Chris Klose, and Chris Carney vote in favor of adjourning the meeting. George Jahn and John Bonavita-Goldman are absent

The next regularly scheduled ZBA meeting is October 11, 2023.

The submission deadline for this meeting is noon of Tuesday, October 3, 2023



COPY

TOWN OF RED HOOK
7340 South Broadway
Red Hook, NY 12571
Office: (845) 758-4606
Fax: (845) 758-0492

Project Name: Town of Red Hook, Dutchess County, NY - Cookingham Farm West Subdivision and Conveyance

RE: The project consists of a subdivision (including re-subdivision) and conveyance of Cookingham Farm West parcels located on Albany Post Road (US Route 9). A reconfiguration of the parcels recently acquired by the Town of Red Hook is needed to move forward with the Town Board's preservation objectives and other community benefits envisioned through the recent acquisition.

Proposed Lead Agency: Town of Red Hook

Name of Applicant: Town of Red Hook

**RESPONSE TO REQUEST THAT THE ABOVE NAMED AGENCY
SERVE AS LEAD AGENCY REGARDING THE ABOVE ACTION**

On behalf of Town of Red Hook ZBA, I acknowledge receipt of the lead agency notice in this matter.

The above named agency hereby: (please check one)

- ☒ **CONSENTS** that the above named agency serve as lead agency in this application and requests that the undersigned continue to be notified of SEQRA determinations, proceedings and hearings in this matter.
- ☐ **DOES NOT CONSENT** to the above named agency serving as lead agency in this application and wishes that _____ serve as lead agency. To contest lead agency designation, the undersigned intends to follow the procedures outlined in 6 NYCRR 617.6(e).

9-25-2023

Date

Kathleen Kara Kassir/ar
Signature

Town of Red Hook ZBA
Agency Name (signature)

Agency Name (printed)

ZONING BOARD OF APPEALS
TOWN OF RED HOOK
7340 SOUTH BROADWAY
RED HOOK, NEW YORK 12571

Please return to:

Town of Red Hook
7340 South Broadway
Red Hook, NY 12571

Attn: Deanna Cochran, Town Clerk
townclerk@redhookny.gov

**TOWN OF RED HOOK
Zoning Board of Appeals
VARIANCE RESOLUTION**



Application #: 23-02 Bard College Residence Halls

Grid # 134889-6173-00-633970

Introduced by: Christopher Klose
Seconded by: Christopher Carney

Date: September 13, 2023

The Town of Red Hook Zoning Board of Appeals, at a meeting duly convened on **March 8, 2023** reviewed the facts in Application # **23-02** as submitted by **Coleen Murphy-Alexander of Bard College, and Laurel Reiter of DBI Inc.;** and

WHEREAS, the project was determined by the Town of Red Hook Planning Board to be a **Type I** Action under the State Environmental Quality Review Act, Section 6NYCRR Part 617; and

WHEREAS, said application requests a variance or adjustment to the strict application of the Town of Red Hook Code Section 143-12, the District Schedule of Area and Bulk Regulations, which limits the maximum height of buildings in the Institutional Zoning District to 35', specifically regarding the construction of four residence halls, on the Bard College Campus as follows: Building A1 41' in height, Building B 47' 6" in height, Building C 46' in height, and Building HH 43' in height, in the Institutional Zoning District of the Town; and

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal and the Daily Freeman on **April 30, 2023** and posted as required by law; and

WHEREAS, said Public Hearing was opened on May 10, 2023 and adjourned from monthly meeting to monthly meeting until it was closed on September 13, 2023; and

WHEREAS, at said Public Hearing all who desired to be heard were heard and their testimony recorded; and

WHEREAS, on August 21, 2023 the Planning Board determined that the application would not result in any significant adverse environmental impacts and adopted a determination of non-significance; and

WHEREAS, all testimony has been carefully considered and the following pertinent facts noted:

1. The requested variance will enable construction of additional dormitory space for students, who would otherwise be competing for scarce affordable housing units in the town.
2. The proposed structures will not be visible, except from within the Bard Campus.
3. The new dormitories will increase the number of students housed on campus by approximately 200, but the expected increase in car traffic associated with the additional students would be entirely offset by Bard's policy, to be instituted when the dorms are complete, of not allowing freshmen to have cars on campus.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application **#23-02** a request for a variance from Section 143-12, and Section 143 Attachment 2 of the Town of Red Hook Zoning Law as set forth above, be **granted** on the following grounds:

1. **The variance requested will not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties.**
2. **The needs of the applicant cannot be achieved by other than an area variance.**
3. **The requested variance is numerically substantial but not substantial in impact.**
4. **The requested variance will not affect the physical or environmental conditions in the neighborhood.**
5. **The hardship for which the variance is sought to rectify was ~~not~~ self created.** AR 9.25.2023
6. **The variance being granted is the minimum variance to meet the needs of the applicant based on the topography and slope of the earth.**

BE IT FURTHER RESOLVED, the grant of the Requested Variance shall be subject to the following condition(s):

1. Obtaining Site Plan approval for the proposed residence halls from the Planning Board.
2. Payment of all fees and escrow; and
3. Application for and receipt of any other approvals required by the Town of Red Hook Code and New York State Building Code including but not limited to any and all building permits and certificates of occupancy; and

Member	Aye	Nay	Abstain	Absent
Kate Karakassis, Chair	✓			
John Bonavita-Goldman				X
Chris Carney	✓			
George Jahn				X
Chris Klose	✓			

Adopted: September 13, 2023

Secretary: *Anne Ruben*

Chairperson: *Kate Karakassis*

KATE KARAKASSIS