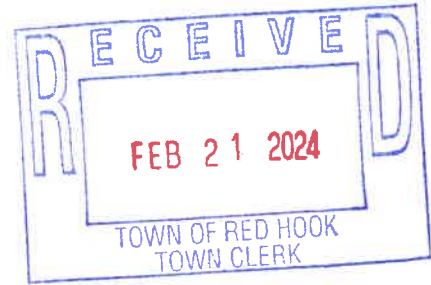


Town of Red Hook ZBA
Approved Meeting Minutes
October 11, 2023



Preliminaries

Roll Call

Acting Chair, Chris Carney opens the meeting at 7:01 pm. Acting Chair Chris Carney, and Board members John Bonavita Goldman, and George Jahn state they are present. ZBA Attorney and Town Board Liaison Bill Hamel are also present. Absent are Chairperson Kate Karakassis, Board member Chris Klose, and ZEO Bob Fennell.

Approval of Draft Minutes 8-9-2023

At 7:03pm Acting Chair, Chris Carney states, since Chairperson Kate Karakassis and Board member Chris Klose are absent, and since the two Board members present at this meeting, were absent at the September meeting, the Board may not vote on the September 13, 2023 minutes.

Acting Chair, Chris Carney, notes a needed revision in the last paragraph, on page three, of the September 13, 2023 minutes, as follows: The phrase "of the look" is written twice. Clerk Rubin notes the revision.

Planning Board Minutes and Comments from the Chair

Acting Chair Carney notes, for the record, Carson Solar has officially withdrawn their application to the Town of Red Hook ZBA.

Acting Chair Carney notes the Town of Red Hook Design Review Committee, in an email, dated October 1, 2023, to the Town of Red Hook Planning Board, has approved Ms. Eichin's proposal for six-foot high a perimeter fence, and recommends the Planning Board issue a Certificate of Appropriateness. Acting Chair Carney also notes the Planning Board Draft Minutes of October 2, 2023 state the Planning Board will hold a public hearing for Ms. Eichin's proposed fence on October 16, 2023.

Public Hearing

ZBA 23-08 Barbara Eichin, application for an area variance to install a perimeter fence, six feet in height, in the LD Zoning District. Section 143-28A of the Town of Red Hook Zoning Code limits the height of the fence in the Required Front Yard to four feet. The Required Front Yard setback, in the LD Zoning District is 100', and the parcel is only 94' deep, thus entire parcel is considered a Front Yard. The subject parcel is located at 59

Barrytown Road, in the Hamlet of Barrytown, in the Town of Red Hook, in the Low Development Zoning District.

Acting Chair Carney reads the agenda item, and asks the applicant to describe proposal. Ms. Eichin states she wishes to install a six-foot high privacy fence, made of spruce, around the side and rear perimeter of her parcel, and further states her neighbor, Nick Rooney, wrote a letter to the Planning Board stating his agreement with the proposed fence.

George Jahn states he does like fences, and notes the applicant is on a village-sized, small lot, and states he wonders how the neighborhood would look if everyone installed such fences. Mr. Jahn states he is not opposed to the applicant's fence, given the applicant's situation.

Ms. Eichin states she is very concerned with aesthetics, and does not like fences either. Ms. Eichin states since she purchased the property, the neighbor's barn was converted to two apartments, and the house was subdivided into three apartments. Ms. Eichin states she tried to screen her property with hedges and a shed, and further states it was not enough screening. Ms. Eichin states the fence itself would be screened with plantings.

Acting Chair Carney reads the letter from Ms. Eichin's neighbor, Nick Rooney, sent to the Town of Red Hook Planning Board.

Acting Chair Carney asks the Board members present if they have any further questions. There are no further questions.

At 7:13pm George Jahn moves to open the public hearing. John Bonavita Goldman seconds and Acting Chair Carney, George Jahn, and John Bonavita-Goldman vote in favor of opening the public hearing. No members of the public are present.

At 7:13 pm George Jahn moves to close the public hearing. John Bonavita-Goldman seconds, and Acting Chair Carney, George Jahn, and John Bonavita-Goldman vote in favor of closing the public hearing.

ZBA Attorney, Janis Gomez-Anderson states a fence is defined as an accessory structure, and is a Type II Action under SEQR, as it is a Single-Family Residence.

At 7:15 Acting Chair Carney moves to classify the Action as Type II under SEQR. George Jahn seconds the motion, and Acting Chair Carney, George Jahn, and John Bonavita-Goldman vote in favor of classifying the Action as Type II under SEQR.

Acting Chair Carney reads the variance resolution, and the Board discusses the six variance questions, and facts, noted in the attached variance resolution.

At 7:28 pm John Bonavita-Goldman moves to adopt the resolution. George Jahn seconds, and Acting Chair Carney, George Jahn, and John Bonavita-Goldman vote in favor of the adopting the resolution.

ZBA Attorney, Janis Gomez-Anderson, notes the property owner for the AT&T cell tower application will be on the agenda in November.

Acting Chair Carney notes the next meeting is November 8, with a submission deadline of October 31, 2023.

At 7:32 George Jahn moves to adjourn the meeting. John Bonavita-Goldman seconds the motion, and Acting Chair Carney, George Jahn, and John Bonavita-Goldman vote in favor of adjourning the meeting.

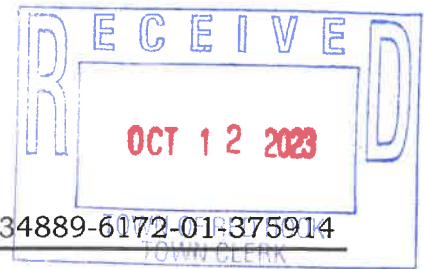
At 7:20pm Chairperson Karakassis asks for a motion to adjourn the meeting. Chris Klose so moves, Chris Carney seconds. Chairperson Karakassis, Chris Klose, and Chris Carney vote in favor of adjourning the meeting. George Jahn and John Bonavita-Goldman are absent

The next regularly scheduled ZBA meeting is November 8, 2023.

The submission deadline for this meeting is noon of Tuesday, October 31, 2023

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

VARIANCE RESOLUTION



Application #: ZBA 23-08 Eichin Fence AV

Grid #: 134889-6172-01-375914

Introduced by: **John Bonavita-Goldman**
Seconded by: **George Jahn**

Date: October 11, 2023

The Town of Red Hook Zoning Board of Appeals, at meetings duly convened on **September 13 and October 11, 2023** reviewed the facts in Application # **23-08** as submitted by Barbara Eichin, and

WHEREAS, the application was determined to be a **Type II** 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 Zoning Code, specifically regarding the height of a fence at 59 Barrytown Road in the in the **LD and HLD** districts of the Town, and

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on **September 29, 2023** and posted as required by law, and

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

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

1. The applicant seeks to install a 6 foot fence where a 4 foot fence is permitted.
2. Neighbor Nick Rooney, whose property surrounds 59 Barrytown Road on 3 sides sent a letter to the Planning Board that he is in support of the application; and Ms. Eichin shared a copy with the ZBA.
3. The reason Ms. Eichin is seeking the fence is to increase her privacy and preserve her property's aesthetics as there is a dumpster on Mr. Rooney's property and there are often several cars on his property.
4. Ms. Eichin intends to keep as much of the greenery on her property as possible.
5. The Town of Red Hook Design Review Committee found that the proposal makes sense given the proximity of the neighbors and recommended a C of O [sic].
6. The property is unique because it is surrounded on three sides by 57-61 Barrytown Road.
7. The neighbor at 57-61 Barrytown Road added additional dwelling units after Ms. Eichin purchased the property.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application **#23-08 Eichin** a request for a variance from Section 143-28A of the Town of Red Hook Zoning Code, as set forth above, be **granted** on the following grounds, conditional on payment of any and all outstanding fees and ZBA consultant invoices:

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 because it surrounded on three sides.**
6. **The variance being granted is the minimum variance to meet the needs of the applicant.**

Adopted:

Absent Kathleen Karakassis

YES Christopher Carney

Absent Christopher Klose

YES George Jahn

YES John Bonavita-Goldman


Acting Chairperson Chris Carney

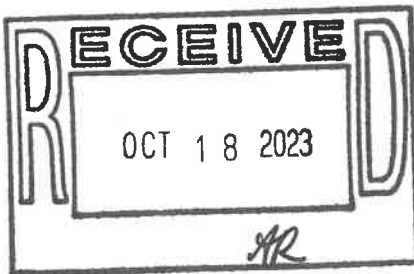
**NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS
TOWN OF RED HOOK**

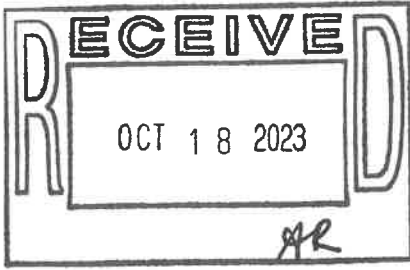
NOTICE IS HEREBY GIVEN that pursuant to Section 143-136C of the Zoning Law of the Town of Red Hook, New York, a public hearing will be held by the Zoning Board of Appeals of the Town of Red Hook, Dutchess County, New York at the Town Hall, 7340 South Broadway, Red Hook, New York, meeting to commence at 7:00 pm, on the 11th day of October, 2023 on the following matter:

ZBA 23-08 Barbara Ejchin, application for an area variance to install a perimeter fence, six feet in height, in the LD Zoning District. Section 143-28A of the Town of Red Hook Zoning Code limits the height of the fence in the Required Front Yard to four feet. The Required Front Yard setback in the LD Zoning District is 100', and the parcel is only 94' deep, thus entire parcel is considered a Front Yard. The subject parcel is located at 59 Barrytown Road, in the Town of Red Hook, in the Low Development Zoning District.

All interested persons will be given an opportunity to be heard in person or by directing comments in writing to the Zoning Board of Appeals, 7340 South Broadway, Red Hook, New York 12571. All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Zoning Board Clerk in advance at the above address or by phone 845-758-4624 so that arrangements can be made.

0005831579





**AFFIDAVIT OF PUBLICATION
FROM**



Linda Tuttle being duly sworn says that he/she is the principal clerk of **THE**

POUGHKEEPSIE JOURNAL, a newspaper published in the County of Dutchess and the State of New York, and the

notice of which the annexed is a printed copy, was published in the newspapers editions dated below :

Zone:

Read- Editions Dated:
09/29/2023

Linda Tuttle
Signature

Sworn to before me, this 29 day of September, 2023

Kathleen Allen

Notary Signature State of Wisconsin County of Brown

1-7-25

My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Ad Number: 0005831579