

Town of Red Hook ZBA
Approved Meeting Minutes
December 13, 2023

Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:03 pm.

Present are Chairperson Karakassis, George Jahn, Chris Klose, and Chris Carney. Absent is John Bonavita-Goldman. Also present are ZBA Attorney, Janis Gomez-Anderson, Deputy Building Inspector, Brandon Mullins, for ZEO Bob Fennell, and Town Board Liaison, Bill Hamel.

Approval of Draft Minutes 11-08-23

At 7:03pm Chairperson Karakassis asks for a motion to approve the November 8, 2023 revised, draft, meeting minutes. Chris Klose so moves, George Jahn seconds, and Chairperson Karkassis, George Jahn, Chris Klose, and Chris Carney vote in favor of approving the revised minutes of November 8, 2023.

Chairperson Karakassis notes there is not a quorum of Board members, who were present at the October 11, 2023 meeting, to vote on the draft minutes, and states the Board will vote on the October minutes at the January 10, 2024 meeting, if there is a quorum.

Planning Board Minutes and Comments from the Chair

There are no comments from the Chair at this time, regarding the Planning Board minutes. Chairperson Karakassis states the Board, expects applicants to respond to escrow deposit requests, from the ZBA Office, within ten business days. In the event there is no response from the applicant, the application may be considered abandoned.

Review

ZBA 23-11 Philip J. Williams Jr., application for an area variance to construct a single - family dwelling 33' from the front property line, which is also the centerline of Stone Church Road, and 22' from the edge of pavement. Town of Red Hook Zoning Law, Section 143-12, The District Schedule of Area and Bulk Regulations, requires a minimum 60' front yard setback, in the Zoning District. The subject parcel is located at 251 Stone Church Road, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis reads the agenda item and invites the applicant, Philip Williams Jr. to approach the Board and state why he is seeking a variance. Mr. Williams states he purchased the lot three or four years ago from the Zietz Farm in Rhinebeck. Mr. Williams states the portion of the lot, within the Town of Red Hook, is 22' feet wide and 60' long, along the road, and further states he could push the proposed location of the structure a little way from the road, but also states doing so would require a rear yard setback variance. Mr. Williams states he wishes to construct a barn-type of structure for storing antique vehicles, which he and his father work on, with a walk-out basement, living quarters, facing the Rhinebeck portion of the property. Mr. Williams states he has a piece of property in Red Hook, which he cannot connect to the Rhinebeck portion of the property.

Chairperson Karakassis asks Mr. Williams to confirm he has a 1.4 acre parcel in the RD3 Zoning District, and asks how this is possible. Deputy Building Inspector, Brandon Mullins, states the lot was non-conforming at the time the Town of Red Hook adopted zoning, and therefore grandfathered in as an existing, non-conforming lot. George Jahn asks the applicant if the proposed structure will be one story or two stories, to which Mr. Williams replies it will be a single story, with the walk-out basement.

Chairperson Karakassis asks the applicant if he has approval from the Town of Rhinebeck to construct a single-family residence on the 5.5 acre portion of the property, which lies within the Town of Rhinebeck, to which Mr. Williams affirms, and further states he has BOH approval for septic for both parcels.

The applicant's father, Phil Williams Sr., states two years ago he and his son sought a building permit for a barn, on the subject parcel, to store and work on their antique vehicles, and further state he was told he could not erect a structure on the parcel without a dwelling space. Chairperson Karakassis asks the applicant who would be occupying the dwelling space under the barn, to which the applicant, Philip Williams Jr. states the proposed dwelling space is for him and his family to live in during the construction of their house on the Rhinebeck parcel, and further states his father will live in the dwelling unit under the barn, on the Red Hook parcel, once the house on the Rhinebeck parcel is completed.

Chairperson Karakassis asks the Board if there are any further comments or questions. There are none. At 7:19pm Chairperson Karakassis asks for a motion to schedule a public hearing for the January 10, 2024 ZBA meeting. Chris Klose so moves, Chris Carney seconds, and Chairperson Karakassis, George Jahn, Chris Klose, and Chris Carney vote in favor of scheduling a public hearing on January 10, 2024.

Review

ZBA 23-09 Michael Levy of MK Levy Properties, LLC, and Route 9G Properties, LLC, represented by Karen Hagstrom of Stenger, Diamond, & Glass, LLP, application for an Interpretation, regarding a Town of Red Hook Notice of Violation/Order to Remedy/Compliance Order, dated August 8, 2023, regarding the violation of Use

Variance #5-98, and violation of site plan approval, #SP-98-11, and a violation regarding the occupancy of a model home. The formerly two subject parcels, 515038 and 512069, have been combined into a single subject parcel, 515038, which is located at 3944 Route 9G, in the Town of Red Hook, in the RD3 Zoning District.

ZBA 23-10 Michael Levy of MK Levy Properties, LLC, and Route 9G Properties, LLC, represented by Karen Hagstrom of Stenger, Diamond, & Glass, LLP, revised application for a Use Variance, regarding the commercial and/or office building use of a model home on the subject parcel. Town of Red Hook Planning Board site plan approval, #SP-98-11, does not permit a residential use of this model home. The formerly two subject parcels, 515038 and 512069 have been combined into a single subject parcel, 515038, which is located at 3944 Route 9G, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis reads the agenda items and states the applicant is seeking to use the southernmost building on the subject parcel as an office or similar intensity use.

Karen Hagstrom, representing the applicant, Michael Levy, states Mr. Levy is withdrawing application 23-09 for an Interpretation, and is moving forward with revised application 23-10 for a use variance. Ms. Hagstrom further states the model home business, and the use contemplated in the original use variance 5-98, is too restrictive for future owners.

Chairperson Karakassis states the proposed use consists of a professional office, or office building. Deputy Building Inspector, Brandon Mullins, states each of these uses are in the Zoning Law Use Chart, and each is listed as a principal use. Chairperson Karakassis states she spoke with Planning Board Chair, Sam Phelan, who informed her the amount of traffic would be a concern, and that the Planning Board could seek to limit the intensity of the use by assigning a small number of parking spaces to the building.

Ms. Hagstrom states her client is willing to limit the number of parking spaces for the southernmost building to five. Chairperson Karakassis asks Ms. Hagstrom if this number would include both patrons and employees, to which Ms. Hagstrom replies the number would be seven, if it were to include both patrons and employees.

George Jahn states a building's square footage will often dictate the permitted number of parking spaces, and asks the applicant to confirm the 1200' square foot footprint of the structure, and also asks the applicant to confirm it is a single story, and if it is expandable to construct a second story, which could result in 1800 square feet of usable space. Mr. Levy states the southernmost building has a loft on top, so it could be made slightly bigger. Chris Klose asks Mr. Levy if it is possible to stand up in the loft area, to which Mr. Levy replies, it is. Ms. Hagstrom states the Site Plan, if it is approved, contemplates no structural changes, and is limited to the original 1200' square feet. Chairperson Karakassis states the main concern is to limit the intensity of use. Mr. Levy states is ok with 1200 square feet, and five to seven parking spaces.

Chairperson Karakassis and Ms. Hagstrom discuss the current balance of the 23-10 revised use variance application, and determine it is presently sufficient. ZBA Attorney, Janis Gomez Anderson states the Board should defer the SEQR determination to the next meeting, to give her time to research the issue.

At 7:32pm Chairperson Karakassis asks for a motion to schedule a public hearing for ZBA 23-10 revised use variance application. Chris Carney so moves, Chris Klose seconds, and Chairperson Karakassis, George Jahn, Chris Klose, and Chris Carney vote in favor of setting a public hearing for January 10, 2024.

Review

ZBA 23-03 New Cingular Wireless, represented by George Santoire of Airosmith Development, application for an Interpretation of Town of Red Hook Zoning Enforcement Officer, Robert Fennell's Determination of April 4, 2023, determining the Use Variance granted under ZBA Appeal 5-98, on September 9, 1998, applies to the Site, formerly consisting of two parcels, numbered 515038 and 512069, which were combined into a single parcel, 515038, and to the proposed wireless facility("the Project"), and prohibits further development of the Site. The new subject parcel is located at 3499 Route 9G, in the Town of Red Hook, in the RD-3 Zoning District.

ZBA 23-04 New Cingular Wireless, represented by George Santoire of Airosmith Development, application for an amendment to the Use Variance granted under ZBA Appeal 5-98, on September 9, 1998, to authorize development of permitted uses, including the proposed wireless facility, at the Site, formerly consisting of two parcels, numbered 515038 and 512069, which were combined into a single parcel, 515038 and to the proposed wireless facility ("the Project"), and prohibits further development of the Site. The new subject parcel is located at 3499 Route 9G, in the Town of Red Hook, in the RD-3 Zoning District.

ZBA 23-05 New Cingular Wireless, represented by George Santoire of Airosmith Development, application for an Area Variance to install a new AT&T telecommunications transmissions tower 66' from the property line, at the Site, formerly consisting of two parcels, numbered 515038 and 512069, which were combined into a single parcel, 515038 and to the proposed wireless facility("the Project"), Section 143-103(A)(1) of the Town of Red Hook Zoning Law, regarding Commercial Communications Transmitting facilities, requires a setback of 150' from the property line. The new subject parcel is located at 3499 Route 9G, in the Town of Red Hook, in the RD-3 Zoning District.

Chairperson Karakassis reads the agenda items and invites Ms. Lauren Adornetto, the attorney representing the applicants, to state why the applicants have requested to be on the ZBA Agenda. Ms. Adornetto states the applicants are seeking an interpretation of

Mr. Fennell's determination of April 4, 2023, insofar as the Town should not seek to restrict activities that are otherwise permitted in the Zoning District. Chairperson Karakassis states Use Variance 5-98, granted by the ZBA specifically disallowed a residential use, which was allowed at the time, and restricted the use on the parcel to a commercial use. Chairperson Karakassis notes from the ZBA meeting minutes of the time, Mr. Levy specifically stated he was not interested in a residential use because it was not financially viable.

Ms. Adornetto states her client will abandon the interpretation request only if Mr. Fennell requires an additional use variance amendment. Chairperson Karakassis states the applicants will need to seek modifications to the original 5-98 Use Variance to allow for additional development of the parcel, and also states the applicants will need to apply for a second use variance to allow for a second principal use. Deputy Building Inspector, Brandon Mullins, confirms a telecommunications tower is considered a principal use, under the Zoning Law. Ms. Gomez Anderson states there is a letter to the Building and Zoning Department stating how the issue of the second use variance was raised.

Ms. Adornetto states, since the parcels have been combined, her clients are withdrawing application 23-05 for an area variance, since the proposed telecommunications tower will meet all setback requirements. The Board members ask Mr. Santoire to state the location of the proposed telecommunications tower, to which Mr. Santoire states the location has not changed from the original application, and it is the center of the northern section of the recently combined parcels.

George Jahn asks the applicants if the developers are looking for co-locators, and notes both Red Hook and Rhinebeck require it. Ms. Adornetto replies none are proposed at this time, but space will be provided for future providers.

Ms. Adornetto states she will be discussing the two use variances with her client, and expects to submit applications, once they have decided on a plan.

At 8:00pm Chris Klose moves to adjourn the meeting. George Jahn seconds, and Chairperson Karakassis, George Jahn, Chris Klose, and Chris Carney vote in favor of adjourning the meeting.

The next regularly scheduled ZBA meeting is January 10, 2024.

The submission deadline for this meeting is noon of Tuesday, January 2, 2024