

Town of Red Hook ZBA  
Approved Meeting Minutes (Revised)  
April 10, 2024



## **Preliminaries**

### **Roll Call**

Chairperson Karakassis calls the meeting to order at 7:01 pm, and asks Clerk Rubin to conduct the roll call. Chris Carney, Chris Klose, George Jahn, and Chairperson Karakassis are present. John Bonavita-Goldman is absent. Also, present are ZBA Attorney, Janis Gomez Anderson, and Town Board Liaison, Bill Hamel.

### **Approval of March 13, 2024 Draft Minutes**

Chairperson Karakassis asks the Board members present if they have had a chance to read the March 13, 2024 draft minutes, and further asks if there are any comments. George Jahn states he was absent for this meeting, and further notes he is recorded as having seconded the motion to adjourn the meeting. Clerk Rubin states she will correct the minutes.

Clerk Rubin states for the record at the March 13, 2024 ZBA meeting no members of the public were present to comment for the two use variance applications 23-04 and 24-03, involving a proposed telecommunications tower, and further notes the public hearing was opened and subsequently closed shortly thereafter.

At 7:04pm Chairperson Karakassis asks for a motion to approve the revised March 13, 2024 draft meeting minutes. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of approving the revised, March 13, 2024 meeting minutes.

### **Planning Board Minutes and Comments from the Chair**

Chairperson Karakassis states the ZBA Office received an application, for which the applicant had meetings with ZEO, Brandon Mullins, who processed the application. This application was also processed by the ZBA Office, and the Town Bookkeeper, Ann Conway, to create the application's escrow account, and file the application fees. Chairperson Karakassis states the applicant withdrew their application some days later, and the escrow deposit was refunded. Chairperson Karakassis further states application fees are non-refundable, and states the ZBA does not have the power to set or waive fees, and further clarifies this is the purview of the Town Board.

Chairperson Karakassis states the applicant for application 24-04 has requested an adjournment of the review of their application to the May 8, 2024 meeting. Chairperson Karakassis further states the applicant for application 24-08 has withdrawn their application.

Chairperson Karakassis states a new local law, involving a moratorium on ZBA approvals in the TND zoning district, and within 300' of New York State designated wetlands, and within federally designated wetlands, will require applicants affected by it to seek a hardship waiver from the Town Board. Chairperson Karakassis further states all ZBA applicants will be pre-approved by ZEO Brandon Mullins, and further states none of the current applicants are affected by the moratorium, with the exception of the applicant for the two use variances, ZBA 23-04 and ZBA 24-03, involving a proposed telecommunications tower.

Chairperson Karakassis states this applicant has contested the Town's authority to impose a moratorium on their applications to the ZBA, but has agreed, as a courtesy to the Town, to seek a hardship waiver from the Town Board, even as they are contesting the applicability of the moratorium to their applications. Town Board ZBA Liaison, Bill Hamel, states the public hearing for this applicant's hardship waiver is scheduled for the April 24, 2024 Town Board meeting. ZBA Attorney, Janis Gomez Anderson, asks the Board if the letter this applicant sent extends the shot clock, to which Chairperson Karakassis replies it does. Ms. Gomez Anderson states the Board should cross reference this to the minutes for the record.

#### **Public Hearing (continued from the 3/13/2024 meeting)**

ZBA 24-01 George Allen, representing Red Hook Golf Course, Inc., application for an area variance to install an internally-illuminated, double identity sign, with a combined square footage of approximately 30 square feet. Town of Red Hook Zoning Law, Section 143-27 (D) (2) Sign Standards, permits a single identity sign, measuring a maximum area of 12 square feet, and Section 143-27 B (6) prohibits internally illuminated signs in the Zoning District. The subject parcel is located 650 Route 199, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis reads the agenda item and asks if there are any members of the public present to comment on this application. There are no members of the public present. Chairperson Karakassis states the applicant has modified their application, and notes, due to the denial of the project by the Dutchess County Office of Planning and Development, the applicant will need a supermajority vote, of four yesses from the ZBA for the motion to grant the requested variance to pass.

At 7:10 pm Chairperson Karakassis asks for a motion to close the public hearing. Chris Klose so moves, George Jahn seconds, and all Board members present vote in favor of closing the public hearing.

Mr. Allen states his latest proposal involves two business signs measuring 12 square feet each, with top-down illumination. Clerk Rubin asks Mr. Allen if he has read the ZEO response to his latest proposal, which the ZBA Office emailed to him, to which Mr. Allen states he has not. Chairperson Karakassis shares her copy of the letter with Mr. Allen. The letter states only one sign is permitted, and the dimensions of the two proposed signs will also require a variance. Mr. Allen states the third sign, stating "Open to the Public" is helpful, and further states he can diminish the size of the two proposed signs to accommodate a third sign. Janis Gomez Anderson asks Mr. Allen if the total square footage include the third sign, to which Mr. Allen replies it does not. Ms. Gomez Anderson states the Board will have to modify the square footage request.

Chairperson Karakassis states the date "1931", appearing on the Red Hook Golf Club sign could be replaced with "Open to the Public". George Jahn asks if the font is bold enough to be seen from a distance. Mr. Allen states he cannot place the sign perpendicularly to the road due to setback requirements, and the location of the lot line. Mr. Allen states the proposed sign will only be one sided. Ms. Gomez Anderson states the documents recently submitted by the applicant state each sign will measure 10.725 square feet. Mr. Allen states he thinks the "Open to the Public" sign is included in the 24 square feet calculation. Chris Klose asks how people coming from the other direction see the sign, to which Mr. Allen replies getting enough site line would require too much clearing.

Chairperson Karakassis asks the Board if there are any further questions or comments. Chairperson Karakassis asks the applicant if he can fit the "Open to the Public" within the two proposed signs, instead of having a third sign. Mr. Allen states the date on the Red Hook Golf Club sign is a heritage issue for the Club, and further states the "Open to the Public" sign addresses both facilities. Janis Gomez Anderson asks the applicant if he can change out the signs, to which Mr. Allen replies they are changeable panels.

Chairperson Karakassis states in reviewing the reasons for a denial from the Dutchess County Office of Planning and Development, the currently proposed lighting addresses their concerns regarding internally-illuminated signs. Chairperson Karakassis states running a business sets a precedent for a residential district, and further notes there are people who study how large a sign needs to be, but the Board does not have this information. Chris Klose asks the applicant if he is satisfied with the sign, to which Mr. Allen replies he is. Mr. Klose states it doesn't matter then how big it needs to be. Chairperson Karakassis states we are setting a precedent, but there are no distinguishing characteristics of this particular business. Chairperson Karakassis further states the Board can set general characteristics, and asks the Board if it wants to set this type of precedent.

Ms. Gomez Anderson states this business is distinguished by having two businesses on a single parcel, and further notes the ZBA can impose conditions. Ms. Gomez Anderson

asks the applicant to state the colors of the proposed signs, to which Mr. Allen replies green on white, or white on green. Chris Klose states signage is a very complex issue. Chairperson Karakassis states the Town Comprehensive Plan seeks to maintain the rural character of the Town. Mr. Allen states the current sign is located on Dutchess County property, and further states it is a nuisance, and impedes visibility. Ms. Gomez Anderson states the Town Code requires a permit from the Building and Zoning Office to change a sign.

Chairperson Karakassis asks the applicant if he can reduce the open area at the top and bottom of each sign panel. Chris Klose states the font size is as large as is allowed. Chairperson Karakassis states the Board is looking for a compromise, and asks the applicant if the square footage of the sign can be reduced. Mr. Allen asks the Board if it makes a difference if the sign face is only on one side. Chairperson Karakassis states Mr. Allen needs four votes, and asks if he is willing to reduce the sign. Mr. Allen asks if 22 square feet would satisfy the Board. George Jahn states the size of the sign is justified by the 55mph speed limit at which drivers pass. Chairperson Karakassis states this sets precedent for other residential districts in the Town.

Janis Gomez Anderson refers to the denial letter from the Dutchess County Office of Planning and development, stating the proposed sign covers the County's concerns by getting rid of the internal illumination, and by creating one sign with both names. Ms. Gomez Anderson states the ZEO's interpretation deals with the square footage and the three attached signs. Chairperson Karakassis states she would like to see a 22 square foot sign with the "Open to the Public" mounted on the two panels, instead of hanging down from them. Chairperson Karakassis states there is a concern with signs hanging off of other signs in the Town. Chris Klose states the Red Hook Golf Club opened in 1932. Chairperson Karakassis states she appreciates the applicant's willingness to move the sign back from the road, that it is a single face, and that the size is reduced to 22 square feet with no hanging portions.

Janis Gomez Anderson reads the resolution [See Exhibit A].

At 7:50pm Chairperson Karakassis moves to grant the requested variance, as stated in the resolution. Chris Klose seconds the motion, and all Board members present vote in favor of granting the variance.

## **Review**

ZBA 23-05 Margaret and Bruce Lubman, application for an area variance to construct a 24' x 24' detached, two-car garage, on a parcel which has four existing Accessory Structures, including two sheds, and inground pool and pool house, on a 4.97-acre parcel. Town of Red Hook Zoning Law, Section 143-18 A (7) Accessory Structures states ...not more than three such accessory structures, other than a permitted sign, or

agricultural buildings, of which no more than one structure shall be a private garage, shall be permitted on an individual lot, in a residential district. In the event that the lot exceeds five acres, additional, accessory structures may be sited upon issuance of a Special Permit by the Planning Board, in accordance with Article VI of this Chapter. The subject parcel is located at 276 West Market Street, in the Town of Red Hook, in the RD-3 Zoning District.

Chairperson Karakassis reads the agenda item, and invites the applicants to state why they cannot comply with the Zoning Law. Bruce Lubman states there are a number of pine trees on the property, which are damaging their cars. Mr. Lubman states four of the five accessory structures on their property are in the back of the property. Mr. Lubman states these include a shed for pool furniture, a shed for a tractor, on the opposite side of the back end of the property, and further states these are not visible from the road.

Chairperson Karakassis states the subject parcel is just under five acres, in three-acre, residential zoning, and further states if the applicants actually had five acres they would not need a variance. Chris Klose asks the applicant's if they reside in Mr. McNally's [former] house, to which Mr. Lubman replies they are his neighbors. Chairperson Karakassis asks the applicants if the ZBA members can visit the subject parcel, to which Mr. Lubman assents. Mr. Lubman states there is a circular driveway. Chris Klose asks if there was once a garage there, to which Mr. Lubman replies they turned it into the pool house.

At 7:59 pm Chairperson Karakassis moves to declare the proposed garage a Type II Action under SEQR. Chris Klose seconds, and all Board members present vote in favor of declaring the Action Type II under SEQR.

Chairperson Karakassis asks the Board members if there are any further questions or comments. There being none, at 8:00pm Chairperson Karakassis asks for a motion to set the public hearing for the May 8, 2024 ZBA meeting. George Jahn so moves, Chris Carney seconds, and all Board members present vote in favor of setting the public hearing for the May 8, 2024 ZBA meeting.

## Review

ZBA 23-06 Sean Martin, application for an area variance to construct a six-foot-high fence 20' from the southern, front yard property line. Town of Red Hook Zoning Law, Section 143-28 A. Fences and Walls states *Fences and walls, except for agricultural fencing, shall not exceed six feet in height when erected in a required side or rear yard, nor exceed four feet in height when erected within the required front yard, except as otherwise, specifically required by this Chapter.* The subject parcel is located at 10 Cornell Avenue, in the Town of Red Hook, in the RD-1.5 Zoning District.

Chairperson Karkassis asks the applicant to state why he cannot comply with the Zoning Law. Mr. Martin states his address is actually 8 Cornell Avenue, to which Clerk Rubin replies the denial letter states "10 Cornell Avenue", and further states she will make the correction with the Building and Zoning Office. Mr. Martin states he does not understand the zoning requirement, and further states he was approved for a four-foot-high fence, and does not understand since he is permitted to have a six-foot-high fence in the rear yard. Chairperson Karakassis confirms with the applicant the white fence in the photograph he submitted is his neighbor's fence, and further states Mr. Martin's parcel is a corner lot, so it has two front yards, in which a four-foot-high fence is permitted. Mr. Martin states he is proposing to connect his neighbor's fence to a similar fence he would install, connecting it to his house. Mr. Martin states it is a busy, corner lot, and further states he did not realize he had two front yards.

Janis Gomez Anderson states the lots in the subdivision are smaller, possibly pre-existing, non-conforming lots. Mr. Martin states he cannot put the fence far enough back on the lot, to comply with zoning due to the location of his septic and a propane tank. Chairperson Karakassis asks the applicant if he has considered foliage, which would not need a variance. Chris Klose states a four-foot-high fence with native plantings could be nice. Mr. Martin states his wife wants the privacy fence to look consistent with the existing fence, and further states they are not looking to garden. Chris Klose states he is trying to reduce the size of his lawn with trees, which offer privacy screening, and invites Mr. Martin to come take a look. Mr. Martin states he and his wife want to put a door in the privacy fence for them to go in and out of, and states it is easier for them to have a fence than plantings.

At 8:15 pm Chairperson Karakassis moves to declare the Action Type II under SEQR. Chris Klose seconds, and all Board members present vote in favor of declaring the Action Type II under SEQR.

At 8:15 pm Chairperson Karakassis asks for a motion to schedule a public hearing for the May 8, 2024 ZBA meeting. Chris Carney so moves, George Jahn seconds, and all Board members present vote in favor of scheduling the public hearing for the May 8, 2024 ZBA meeting.

## **Review**

ZBA 23-07 Shawn J. Hart, application for an area variance to construct an eight-foot-high deer fence in the parcel's side yard. Town of Red Hook Zoning Law, Section 143-28 A. Fences and Walls states *Fences and walls, except for agricultural fencing, shall not exceed six feet in height when erected in a required side or rear yard, nor exceed four feet in height when erected within the required front yard, except as otherwise, specifically required by this Chapter.* The subject parcel is located at 8000 Albany Post Road, in the Town of Red Hook, in the RD-3 Zoning District.

Chairperson Karakassis reads the agenda item and asks the applicant to state why he cannot comply with the Zoning Law. Mr. Hart states his property is owned by an agricultural LLC, and further states there are five beehives in front of the white house on his property, which he plans to increase to ten in the next year. Mr. Hart states there are also three apple trees and three pear trees in the vicinity of the beehives. Chairperson Karakassis asks Mr. Hart why a six-foot-high fence, which would comply with zoning is not enough, to which Mr. Hart replies a six-foot-high fence is useless to protect his investment. Mr. Hart states the income he hopes to generate on the property is his full-time, only income. Mr. Hart states he is also planning to install flower beds.

Chairperson Karakassis asks Mr. Hart how long he has lived on the property, to which he replies since July of 2023. Mr. Hart states his parcel is between the Cornucopia Deli and the Reclaimed Motel, with his driveway on the southern side of the lot, along the fence. Chairperson Karkassis notes the nearby Devereux Foundation fence, for which a variance was recently granted, and further notes she had spoken with the people at Hudsonia about wildlife movement in the area, and how it would be impacted by a fence. Mr. Hart states he is following deer fencing recommendations from the Cornell Cooperative Extension, and plans on installing a fence with four to five inch diameter rounds, with six inch by six inch wire in between them.

George Jahn asks the applicant if he knows what motivated the previous owner to renovate the barn, to which Mr. Hart replies the house is two years old, and the property was a cow pasture for 80 years before that. Janis Gomez Anderson asks the applicant if the LLC owns the house, to which Mr. Hart replies he and his wife own the house.

At 8:25pm Chairperson Karakassis moves to declare the Action Type II under SEQR. George Jahn seconds, and all Board members present vote in favor of declaring the Action Type II under SEQR. Chairperson Karakassis states the Board needs more information on the fence itself. George Jahn asks the applicants if his neighbors are ok with the proposed fence, and also if Board members could make a site visit.

At 8:26pm Chairperson Karakassis moves to set the public hearing for the May 8, 2024 ZBA meeting. Chris Klose seconds and all Board members present vote in favor of setting the public hearing for the May 8, 2024 ZBA meeting.

## Review

ZBA 23-08 Anna Syrkis, application for an Interpretation regarding Building Inspector, Brandon Mullins's determination of April 2, 2024, denying a Zoning Permit, to create a Farm Stay-Short Term Rental, stating *there are no Agricultural-related activities for the guest to participate in, on the parcel.* Town of Red Hook Zoning Law, Section 143-4, Word Uses: Definitions defines *Farm Stays* as *The activity visiting a farm or land in agricultural production for overnight stays and for the purpose of participating in, or*

enjoying agricultural related activities and/or other attractions offered. The subject parcel is located at 390 West Kerley Corners Road, in the Town of Red Hook, in the ABD Zoning District.

This application was withdrawn prior to the ZBA meeting.

At 8:27pm Chairperson Karakassis asks for a motion to adjourn the meeting. George Jahn so moves, Chris Klose seconds, and all Board members present vote in favor of adjourning the meeting.

The next ZBA meeting is at 7:00pm, on Wednesday, May 8, 2024. The submission deadline for which is **noon** Tuesday, April 30, 2024. Please contact Brandon Mullins in the Building & Zoning Office to apply to the Town of Red Hook ZBA.

## Anne Rubin

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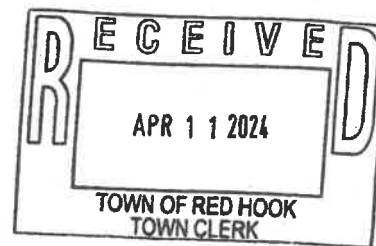
**From:** Cathy Rubsam <cdrub@frontiernet.net>  
**Sent:** Monday, March 4, 2024 1:07 PM  
**To:** Anne Rubin  
**Subject:** Red Hook Golf course sign variance

Dear Red Hook Zoning Board of Appeals,

I am once again writing to express my opposition to granting a variance to the Red Hook Golf Course's application for a variance to install a large internally illuminated double identity sign on 199 at the entrance to the Red Hook Golf Course. I am unable to attend the second hearing on March 13, 2024. As I stated in my first letter internally illuminated signs are ugly, distasteful, tachy and above all contribute to light pollution. I believe a internally illuminated sign does not conform to the Town of Red Hooks goals to improve the beauty of our town by increasing green space. I live along 199 and do not want to see a big ugly sign every time I drive home on 199. I have heard the sign is to advertise the new restaurant that will be opening soon. However the restaurant in Copake does not have a internally illuminated sign and apparently has done very well. If the restaurant has good food people will come independent of a large ugly sign. Thank You for your attention.

Sincerely,  
Cathy Rubsam

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**24-01 TOWN OF RED HOOK  
Zoning Board of Appeals****VARIANCE RESOLUTION**

Application #: 24-01 Allen-RH Golf Club

Grid #: 134889-6372-00-540093-0000

Introduced by: Kate KarakassisDate: April 10, 2024Seconded by: Chris Klose

The Town of Red Hook Zoning Board of Appeals, at meeting(s) duly convened on January 10, 2024, February 14, 2024, and April 10, 2024, reviewed the facts in Application #24-01 as submitted by Red Hook Golf Club, Inc., owner of the property identified as Tax Map # 134889-6372-00-540093-0000 ("the Property"), represented by George Allen.

**WHEREAS**, said application requested a variance from the strict application of § 143-27-D(2) of Chapter 143 of the Code of the Town of Red Hook (Zoning) to allow the installation of a Triple Identity Sign, measuring 24 square feet in the RD3 Zoning District; and

**WHEREAS**, the application was determined to be a Type II under the State Environmental Quality Review Act, Section 6 NYCRR Part 617; and

**WHEREAS**, the application was referred to the Dutchess County Planning Department pursuant to GML §239-m, and the County recommended that the application is denied, therefore requiring a supermajority vote on the part of the ZBA for the application to be granted; and

**WHEREAS**, the Board held a Public Hearing on February 14, 2024, which was continued to the March 13, 2024, meeting, and further continued to the April 10, 2024, meeting, notice of which was duly published in the Poughkeepsie Journal on January 26, 2024, and posted as required by law, and

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

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

1. Dutchess County Department of Planning and Development has recommended that the application for area variances to allow two, internally illuminated signs, with a combined size of approximately 30 square feet not be granted.
2. The applicant's proposed sign would be in the RD3 residential district at a location where there are no internally illuminated signs, and the roadway is not illuminated by streetlights.
3. The proposed sign location is on a naturally raised and recently exposed site, with clear sight lines from the adjacent roadway, New York State Route 199, when traveling east.

4. The Town Code Sign Standards were enacted to promote Red Hook's Comprehensive Plan, which includes "Encouraging the careful design of signage and exterior lighting to ensure that it similarly is appropriate in scale, material, and form to the community and its rural character".
5. The applicant came forth with a revised proposal submitting it on April 8, 2024 to ZEO Brandon Mullins, in order to submit updated sign specifications, which replace the original internal illumination with downward facing illumination, and reduced the total square footage from the original requested 30 square feet to 24 square feet and added a separate open to the public sign.
6. At the meeting, the applicant noted, and the Board recognized, that sign only has only one sign face.
7. The Board also noted that there are two separate business entities at the site being identified by the two signs, and they are housed in one support structure.
8. At the meeting, the applicant agreed to reduce the total square footage to 22 square feet and to remove the proposed "Open to the Public Sign" and include it within the 22 square feet.
9. The property owner will remove an existing, non-conforming sign with an update sign in a conforming location.
10. The variances now requested are as follows:
  - a. Proposed two identity signs with additional where one identity sign is allowed.
  - b. Proposed 22 square feet total signage where 12 square feet is allowed.

**NOW THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #24-01 a request for a variance from § 143-27 D(2) Chapter 143 of the Code of the Town of Red Hook (Zoning) to allow the installation of a double identity sign, measuring 22 square feet, 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 substantial in number but not 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 self-created.

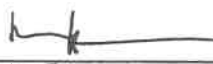
**BE IT FURTHER RESOLVED**, the variance granted is the minimum variance necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community.

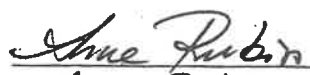
**BE IT FURTHER RESOLVED**, the grant of the Requested Variance shall be subject to the following condition(s):

1. Payment of all fees and escrow; and
2. 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 | X   |     |         |        |
| John Bonavita-Goldman  |     |     |         | X      |
| Chris Carney           | X   |     |         |        |
| George Jahn            | X   |     |         |        |
| Chris Klose            | X   |     |         |        |

Adopted: April 10, 2024

Zoning Board Chairperson:   
KATE KARAKASSIS

Secretary:   
Anne Rubin