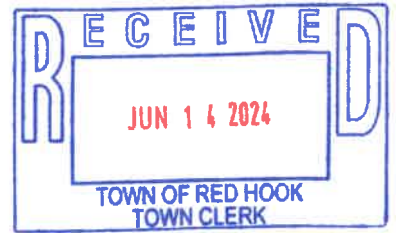


Town of Red Hook ZBA  
Approved Meeting Minutes  
May 8, 2024



## **Preliminaries**

### **Roll Call**

Chairperson Karakassis calls the meeting to order at 7:03 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. Town of Red Hook ZEO, Brandon Mullins, joins the meeting at 7:45pm.

### **Approval of April 10, 2024 Draft Minutes**

At 7:04pm Chairperson Karakassis notes a repeated sentence fragment in the second line of the April 10, 2024 draft minutes. Clerk Rubin states it will be corrected. Chairperson Karakassis moves to adopt the revised minutes of April 10, 2024. Chris Klose seconds, and all Board members present vote to adopt the revised April 10, 2024 minutes.

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

Chairperson Karakassis states the Planning Board has requested information from AT&T, in light of the Rhinebeck cell tower project obtaining final approvals. Chairperson Karakassis notes she is not aware of any permits issued yet, and further notes AT&T has agreed to extend the shot clock. Janis Gomez Anderson states she and the applicant's attorney, Lauren Adornetto, will discuss the issue of co-location if Rhinebeck is going ahead with the cell tower, since both Towns require co-location.

Chairperson Karakassis states the applicant for ZBA 24-04, Adam Castiglione, has requested a continuance of review for his application, to the June 12, 2024 ZBA meeting. This application was on the May 8, 2024 agenda, prior to the applicant's request.

### **Public Hearing (Continued from the April 10, 2024 Meeting)**

ZBA 23-04 George Santoire of Airosmith Development, representing New Cingular Wireless, PCS, LLC, and AT&T, and who is represented by Lauren M. Adornetto, of Phillips Lytle, LLP, application for an amendment to the existing Use Variance, 5-98, as amended on January 10, 2024, by Use Variance 23-10 (Revised), to authorize development of permitted uses, including the proposed wireless facility, at the Site, formerly consisting of two parcels, numbered 515038 and 512069, now merged to a

single parcel, numbered 515038, by Dutchess County, on October 20, 2023, at property owner Michael Levy's of MK Levy Properties, LLC, request to combine the lots. The subject parcel is located at 3499 Route 9G, in the Town of Red Hook, in the RD-3 Zoning District.

### **Public Hearing (Continued from the April 10, 2024 Meeting)**

ZBA 24-03 George Santoire of Airosmith Development, representing New Cingular Wireless, PCS, LLC, and AT&T, and who is represented by Lauren M. Adornetto, of Phillips Lytle, LLP, application to amend existing Use Variance, 5-98, as amended on January 10, 2024, by Use Variance 23-10(Revised), to construct a new, Wireless Telecommunications Facility, consisting of an approximately 100' monopole, and associated ground-based equipment. Town of Red Hook Zoning Law, Section 143-10 Applicability and Compliance with Zoning District Regulations, and Use Variance 5-98, as amended by Use Variance 23-10(Revised), allow only one principal use per lot, in a residential district. The applicant has applied for this use on "vacant land", however, Dutchess County merged former parcel 512069 with parcel 515038, on October 20, 2023, per property owner Michael Levy, of MK Levy Properties, LLC application to combine the two lots. The resulting parcel has three structures with a principal, commercial use of offices and office buildings. The subject parcel is located at 3944 Route 9G, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis notes the two agenda items, and Mr. Adam Herron, of Phillips Lytle, representing the applicant, states the applicant is studying the co-location issue, and further states he has information for the Board, so it can either vote tonight, or table the discussion until it has had time to research the issue. Chairperson Karakassis states the Board will not be voting tonight, since it just received this information on the day of the meeting, and further states the Board members will need more time to digest this information. Chairperson Karakassis asks the Board members present if they prefer to listen to a presentation on the new information tonight, or table the discussion to the next meeting. George Jahn and Chris Klose each state they prefer to table the discussion to the next meeting. Chairperson Karakassis states the Board will give Mr. Herron a brief time to speak at tonight's meeting.

Mr. Herron states the new information regards radio frequency (RF) modeling with coverage at the Peterskill site in Red Hook, compared with the Ruge site in Rhinebeck. Mr. Herron states the ACL height in Red Hook is 96 feet, and the ACL height in Rhinebeck is 182 feet. Chris Klose asks Mr. Herron if these proposed telecommunications towers will each use different technologies, to which Mr. Herron replies, no, and further states it is the height, geography, land features, and tree coverage, which determine how far the signal will carry. Applicant George Santoire, of Airosmith Development, states the issue is always the location, and never the technology. Mr. Herron states height of the monopole is not the controlling feature.

Mr. Herron further states co-location is cheaper, but in this case, it is not the best solution for residents and businesses in Red Hook, along the Route 9G corridor. Chris Klose asks how many businesses AT&T plans to serve in the area, to which Mr. Herron replies he does not know, and further states, based on the data, the Peterskill location is the best. Mr. Santoire states the farther a wave travels, the weaker it becomes. Chris Klose asks if the mile and a half distance between the two, proposed telecommunications towers would make such a difference, to which Mr. Santoire replies what matters in this case is the frequency, and further states AT&T and other carriers each have an assigned frequency. George Jahn asks Mr. Santoire to confirm it is the Federal Communications Commission (FCC), which determines the frequencies, with a license. Mr. Herron states if it were possible for AT&T to co-locate, it would be cheaper. Chris Klose asks if there was any way to work it out. Chairperson Karakassis asks if there is no technological solution to co-locate and have the same coverage as the Peterskill location. Mr. Herron states that is correct.

George Jahn asks Mr. Herron if he can add contour lines, with 20 foot intervals, on the radio frequency coverage maps he has submitted to the Board. Mr. Herron states he will have to bring in a radio frequency engineer to the next meeting. Chris Klose and George Jahn both agree this is a good idea. Chairperson Karakassis thanks Mr. Herron, and states the engineer will have to keep the presentation brief, and simplified, so a layperson can understand it.

### **Public Hearing**

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 at 8:23pm moves to open the public hearing. Chris Klose seconds, and all Board members present vote in favor of opening the public hearing. Chairperson Karakassis notes the applicants are before the Board for lack of 3/100ths of an acre, which requires them to seek a variance to build an additional accessory structure on their property. Chairperson Karakassis asks if there are any members of the public present. There are none. Clerk Rubin states the ZBA Office has not received any communication from the applicants' neighbors.

Chairperson Karakassis states she has visited the property. Applicant Bruce Lubman states the original, proposed location of the two-car garage was on the east side of the property. Mr. Lubman states his contractor informed him the slope of his land, in that location, would require a four-foot-high foundation, which Mr. Lubman states he finds unattractive. Mr. Lubman states the current, proposed location would be on the other side of the house, right at the end of the driveway. Chairperson Karakassis notes the original location would have obscured a nice view, and further notes the new location is out of the way, less obtrusive, and more consistent with the neighborhood. Chairperson Karakassis notes the house is set back from the road.

At 7:31pm Chairperson Karakassis asks for a motion to approve the requested variance ZBA 24-05 Lubman. Chris Klose so moves, George Jahn seconds. Chairperson Karakassis notes the approval of the variance is conditional on payment of all fees and escrow, and on application for and receipt of any other approvals required by the Town of Red Hook Code, the New York State Building Code, including, but not limited to, any and all building permits and certificates of occupancy. At 7:33 pm All Board members present vote in favor of granting the requested variance ZBA 24-05 Lubman.

Chairperson Karakassis notes the Board will conduct the public hearing for ZBA 24-07 Hart, prior to ZBA 24-06 Martin, in order to allow the Town of Red Hook ZEO, Brandon Mullins, to arrive at the meeting for the Martin public hearing.

## **Public Hearing**

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 for a motion to open the public hearing. At 7:35pm Chris Klose moves to open the public hearing. Chris Carney seconds, and all Board members present vote in favor of opening the public hearing. Ms. Kate Cavotti of 8010 Albany Post Road states she is the next-door neighbor to the north of the applicant, and asks what type of fence, and further asks why is an eight-foot fence preferable to a six-foot fence. Mr. Hart states he plans to grow flowers and vegetables, and plant fruit trees. Mr. Hart states the proposed fence will have six-inch by six-inch holes, and further states the Cornell Cooperative Extension recommends an eight-foot fence to keep out deer. Mr. Hart states a six-foot fence will not keep deer out.

Chairperson Karakassis asks the applicant what color the proposed fence will be, to which Mr. Hart replies it will be a dark gray, steel-color. Chairperson Karakassis notes black is the least visible, and asks the applicant if the fence will have a coating of some kind, to which Mr. Hart replies it will not. Mr. Hart states he plans to put in vegetation which will camouflage the fence. Ms. Cavotti asks how far apart the posts will be, to which Mr. Hart replies 20' apart from the front post up to the pond. Ms. Cavotti asks if Mr. Hart will plant flowers behind his barn, to which Mr. Hart replies he will.

Chairperson Karakassis states she made a site visit and spoke to the neighbor to the south, and further notes she saw orange flags from Route 9 to the driveway. Mr. Hart states there will be tree coverage including white pines, and winterberry, put in after the fence is installed. Chris Klose states he finds the more agriculture in Red Hook the better, and further states Mr. Hart is doing a good job, and he appreciates Mr. Hart's attention to detail. Mr. Klose states deer are a terrible problem for farmers, and further states Rose Hill Farm has been very successful with eight-foot fencing around the entire property.

Kerstie Bower, who lives on Spencer Drive states she has spoken to Mr. Hart, and is in favor of the project. Clerk Rubin states the ZBA Office received a letter, on May 6, 2024, from Denis and Judith Doyle, of 9 Spencer Drive, stating they have no objection to the construction of eight-foot deer fence on Shawn Hart's property. Chairperson Karakassis states she spoke to Mr. Doyle, who informed her he, himself has a deer fence. Chairperson Karakassis states Mr. Doyle was concerned the fence not be solid, and further notes a fence with six-inch-by-six-inch openings, in a dark gray, dull, metal color, will blend in. Chris Klose asks if black would be possible, to which Mr. Hart replies he would have to check with his installer.

At 8:25 pm Chairperson Karakassis asks for a motion to close the public hearing. George Jahn so moves, Chris Klose seconds, and all Board members present vote in favor of closing the public hearing.

## **Public Hearing**

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 Karakassis reads the agenda item, and at 7:52pm moves to open the public hearing. George Jahn seconds and all Board members present vote in favor of opening the public hearing. There are no members of the public present. The ZBA Office has received no communications regarding this application. At 7:52 Chairperson Karakassis moves to close the public hearing. Chris Klose seconds and all Board members present vote in favor of closing the public hearing.

Chairperson Karakassis states the applicant, whose parcel has two front yards, is permitted to install a four-foot fence in the front yards, and further notes there are fences on corner lots in the neighborhood. Chairperson Karakassis states via a site visit, and a review of Dutchess County Parcel Access, online, she was able to ascertain the neighborhood consists of small homes on lots of about a quarter acre, and further notes the houses tend to be close together. Chairperson Karakassis states the parcel is in the RD1.5 Zoning District. Chairperson Karakassis notes there are a few other fences, some of which appear to be non-compliant. Chairperson Karakassis further states tall fences in an otherwise open neighborhood, with kids and people around, are out of character with the neighborhood, and an eyesore, and would set an unfortunate precedent.

Chris Klose states the ZBA had a similar neighborhood fence issue in the neighborhood behind Conway's, which the applicant rectified with plantings. George Jahn states he agrees with Chairperson Karakassis's analysis of the style of the neighborhood, to which Chairperson Karakassis replies there is a friendly, attractive appeal with neighbors close by. Chris Klose states College Park was the first housing development created after the Kingston-Rhinecliff Bridge was opened. Mr. Klose states after that Forest Park and Linden Acres were developed, and further states this was prime agricultural land, and notes this would never happen today.

Mr. Martin asks the Board if he were to install a four-foot fence, screened by plantings, how tall could the plantings go, and notes six to eight feet would look better. ZEO Brandon Mullins states, in terms of height, fences, walls, and shrubs are all subject to the same limitations, and further notes, outside the required sight lines, for traffic, on a corner lot, a six-foot-high planting is allowed. Mr. Martin states foliage seems to be the way to go, and a four-foot fence maintains the integrity of the neighborhood. Chris Klose agrees a four-foot-high fence with plants would look nicer.

At 8:13pm Chairperson Karakassis asks for a motion to deny the requested variance. Chris Klose so moves, George Jahn seconds, and all Board members present vote in favor of denying the requested variance.

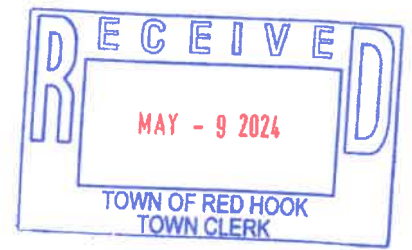
ZEO Brandon Mullins notes the parcel for the AT&T applications has now been given an address, which includes the two former parcels, now combined into a single parcel, as 3940-3944 Route 9G, in the Town of Red Hook.

Chairperson Karakassis asks if there are any further comments or questions. There are none, and Chairperson Karakassis asks for a motion to close the public hearing. At 7:45pm Chris Klose moves to close the public hearing, Chris Carney seconds and all Board members present vote in favor of closing the public hearing.

At 7:50pm Chris Klose moves to approve the requested variance ZBA 24-07 Hart. Chris Carney seconds and all Board members present vote in favor of approving the requested variance ZBA 24-07 Hart.

At 8:13pm Chairperson Karakassis moves to adjourn the meeting. George Jahn seconds, and all Board members present vote in favor of adjourning the meeting.

The next ZBA meeting is at 7:00pm, on Wednesday, June 12, 2024. The submission deadline for which is **noon** Tuesday, June 4, 2024. Please contact Brandon Mullins in the Building & Zoning Office to apply to the Town of Red Hook ZBA.



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

**VARIANCE RESOLUTION**

Application #: 24-05 Lubman

Grid #: 134889-6172-00-740834

Introduced by: Chris Klose

Date: May 8, 2024

Seconded by: George Jahn

The Town of Red Hook Zoning Board of Appeals, at meetings duly convened on April 10, 2024, and May 8, 2024, reviewed the facts in Application # 24-05 as submitted by Margaret and Bruce Lubman, owners of the property, identified as Tax Map # 134889-6172-00-740834 ("the Property").

**WHEREAS**, said application requests a variance from the strict application of § 143-18A (7) *Accessory Structures* of Chapter 143 of the Code of the Town of Red Hook Zoning to construct a detached, two-car garage, on a 4.97-acre parcel, which currently has four existing accessory structures.

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

**WHEREAS**, the Board held a Public Hearing on May 8, 2024, notice of which was duly published in the Poughkeepsie Journal on April 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. The reason the variance is necessary because of a lack of 0.03 acres. The property at 4.97 acres exceeds the acreage in the district.
2. The applicant proposes to build the garage on the west side of the house rather than the east side of the house as originally proposed, and this will be less obtrusive.

**NOW THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #24-05 a request for a variance from § Chapter 143-18 A (7) of the Code of the Town of Red Hook Zoning to construct a detached, two-car garage, on a 4.97-acre parcel, which currently has four, existing, accessory structures 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 not substantial.
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 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: May 8, 2024

Zoning Board Chairperson:  KATE KARAKASSIS

Secretary:  Anne Rubin

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess

Linda Turt being duly sworn, deposes and says she is the Principal Clerk of **The Poughkeepsie Journal**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper and published in the County of Dutchess and the State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

04/26/2024

Linda Turt

Subscribed and sworn to before me this 26 day of April, 2024

Kathleen Allen  
Exp 1-2-25

Notary Public  
State of Wisconsin, County of Brown

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

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 8th day of May, 2024 on the following matter:

ZBA 24-05 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.

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.

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



**VARIANCE RESOLUTION**

Application: 24-06 Martin

Grid #: 134889-6173-10-287617

Introduced by: George Jahn  
Seconded by: Chris Klose

Date: May 8, 2024

The Town of Red Hook Zoning Board of Appeals, at meetings duly convened on April 10, 2024, and May 8, 2024, reviewed the facts in Application # 24-06 as submitted by Sean Martin, owner of the property identified as Tax Map # 134889-6173-10-287617("the Property").

**WHEREAS**, said application requests a variance from the strict application of § 143-28 (A) *Fences and Walls* of Chapter 143 of the Code of the Town of Red Hook Zoning, to install a six-foot-high fence, 20 feet from the southern (Front Yard) property line.

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

**WHEREAS**, the Board held a Public Hearing on May 8, 2024, notice of which was duly published in the Poughkeepsie Journal on April 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. Because the lot is a corner lot, it is defined as having two front yards under the Town's Zoning Law.
2. Neighborhood consists of one-quarter acre lots with modest homes.
3. There are 16 other corner lots in the neighborhood.
4. A previous application in a similar neighborhood was denied, #16-05.

**NOW THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #24-06 a request for a variance from § 143 28 (A) *Fences and Walls* of Chapter 143 of the Code of the Town of Red Hook (Zoning) to install a six-foot-high fence, 20 feet from the southern (Front Yard) property line be denied.

1. The variance requested will produce an undesirable change to the character of the neighborhood or a detriment to nearby properties.

2. The needs of the applicant can be achieved by other than an area variance including a combination of a four fence and vegetation.
3. The requested variance is substantial.
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.

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

Adopted: May 8, 2024

Zoning Board Chairperson:



KATHLEEN KARAKASSIS

Secretary:



Anne Rubin

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess

Linda Tuttle being duly sworn, deposes and says she is the Principal Clerk of **The Poughkeepsie Journal**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper and published in the County of Dutchess and the State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

04/26/2024

Linda Tuttle

Subscribed and sworn to before me this 26 day of April, 2024

Kathleen Allen  
EXP 1-7-25

Notary Public  
State of Wisconsin, County of Brown

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

NOTICE OF PUBLIC  
HEARING  
ZONING BOARD OF  
APPEALS

TOWN OF RED HOOK

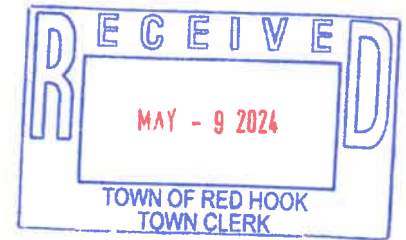
NOTICE IS HEREBY GIVEN that pursuant to Section 143-136C of the Zoning Law of the Town of Red Hook, New York, a public hearing will be held by the Zoning Board of Appeals of the Town of Red Hook, Dutchess County, New York at the Town Hall, 7340 South Broadway, Red Hook, New York, meeting to commence at 7:00 pm, on the 8th day of May, 2024 on the following matter:

ZBA 24-06 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 8 Cornell Avenue, in the Town of Red Hook, in the RD-1.5 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.

10104041

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



Application: 24-07 Hart

Grid #: 134889-6373-01-200685

Introduced by: Chris Klose  
Seconded by: Chris Carney

Date: May 8, 2024

The Town of Red Hook Zoning Board of Appeals, at meetings duly convened on April 10, 2024, and May 8, 2024, reviewed the facts in Application # 24-07 as submitted by Shawn Hart and Anjeli Sharma, owners of the property identified as Tax Map # 134889-6373-01-200685 (“the Property”).

**WHEREAS**, said application requests a variance from the strict application of § 143-28 (A) *Fences and Walls* of Chapter 143 of the Code of the Town of Red Hook Zoning, to install an eight-foot-high, deer fence, along the side and rear yards of the property.

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

**WHEREAS**, the Board held a Public Hearing on May 8, 2024, notice of which was duly published in the Poughkeepsie Journal on April 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. The area of the deer fence is only the rear and side yard.
2. The applicants proposes to use the property to grow flowers and vegetables as wells as raise bees and chickens.
3. The applicant plans to add additional vegetation (e.g., white pines) in some locations that will “absorb” the appearance of the fence.

**NOW THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #24-06 a request for a variance from § 143 28 (A) *Fences and Walls* of Chapter 143 of the Code of the Town of Red Hook (Zoning) to install an eight-foot-high, deer fence, along the rear and side yards of the property, be granted:

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 self-created.

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

1. That the fence be as described at the meeting, i.e that above two feet in height the fence have 6-inch by 6-inch openings and be dark gray metal or black with a matte finish
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 | X   |     |         |        |
| John Bonavita-Goldman  |     |     |         | X      |
| Chris Carney           | X   |     |         |        |
| George Jahn            | X   |     |         |        |
| Chris Klose            | X   |     |         |        |

Adopted: May 8, 2024

Zoning Board Chairperson:  KATHLEEN KARAKASSIS

Secretary:  Anne Rubin

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess

Linda Tutt being duly sworn, deposes and says she is the Principal Clerk of **The Poughkeepsie Journal**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper and published in the County of Dutchess and the State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

04/26/2024

Linda Tutt

Subscribed and sworn to before me this 26 day of April, 2024

Kathleen Allen  
Exp 1-7-25

Notary Public  
State of Wisconsin, County of Brown

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

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 8th day of May, 2024 on the following matter:

ZBA 24-07 Shawn J. Hart, application for an area variance to construct an eight-foot-high deer fence approximately along the perimeter of the parcel's rear and side yards. 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.

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.

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