

Town of Red Hook ZBA
Approved Meeting Minutes
June 12, 2024

Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:00 pm, and asks Clerk Rubin to conduct the roll call. Chris Carney, Chris Klose, George Jahn, John Bonavita Goldman, and Chairperson Karakassis are present. Also, present are ZBA Attorney, Janis Gomez Anderson, and Town Board Liaison, Bill Hamel.

Approval of May 8, 2024 Draft Minutes

At 7:01pm Chairperson Karakassis asks for a motion to approve the May 8, 2024 draft ZBA minutes. George Jahn so moves, Chris Klose seconds, and all Board members vote in favor of approving the May 8, 2024 draft ZBA minutes.

Planning Board Minutes and Comments from the Chair

Chairperson Karakassis notes the present applicant is also before the Town of Red Hook Planning Board for Site Plan Review on the proposed wireless facility, and further notes this review does not impact the ZBA deliberations and vote on the two requested use variances.

Chairperson Karakassis also notes the 63 day shot clock has expired, and requests the applicant's attorney, Lauren Adornetto, to state the applicant's agreement to an extension of the shot clock. Ms. Adornetto states the applicant's agreement, and the Board also states its agreement.

Deliberation and Vote

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.

Deliberation and Vote

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 reads the agenda items, and states the ZBA Attorney, Janis Gomez Anderson, has prepared a resolution. Chairperson Karakassis refers to Section 5, parts a and b, on page 2, and reads them aloud.

- 5. The Applicant now seeks two variances to allow the Project on the Property:
 - a. An amendment to condition #6 of Use Variance #23-10 to authorize development of the proposed wireless facility, at the Property (Application #23-04, as amended by letter dated February 20, 2024, from Lauren Adornetto, Esp., attorney for the Applicant), and*
 - b. Relief from Town of Red Hook Code § 143-10(F) to permit the Project as a second principal use on the Property, in addition to the principal use approved in Use Variance #23-10 (#24-03).**

Chairperson Karakassis refers to Sections 9, 16, and 17 on page 3 and reads them aloud.

9. There are areas in the Town of Red Hook where there are gaps in cellular coverage, and there is a demonstrated need for cellular phone service in these underserved areas.

16. The Property is not abutted by lots currently used for residences and no available alternative location in the Town would have less impact on the neighborhood.

17. Subject to the determination by the Town of Red Hook Planning Board with respect to whether collocation on the wireless communication facility approved in the Town of Rhinebeck would provide adequate service to the unserved areas of the Town of Red Hook proposed to be served by this Project, the Applicant has

demonstrated that the site is necessary to provide safe and adequate service and that there are compelling reasons, economic or otherwise, to grant the variance.

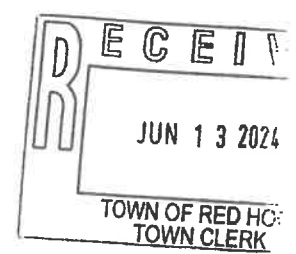
Chairperson Karakassis asks the Board if there are further questions or comments. Ms. Gomez Anderson confirms the draft resolution was published on the Town website at least 24 hours in advance of the ZBA meeting. Chris Klose notes the speed of technological advances may mean a tower is no longer needed within 5-10 years, and the Town will be left with an eyesore. Chairperson Karakassis states the local code requires a tower to be decommissioned. Ms. Adornetto states decommissioning according to SEQRA is required. George Jahn states as a Town Supervisor in North East Columbia County, he voted against a telecommunications tower, thinking it would be soon replaced by satellite communication.

At 7:07pm Chairperson Karakassis asks for a motion to adopt the resolution granting the two requested use variances. George Jahn so moves. Chris Klose seconds and all Board members vote in favor of granting the two requested use variances, with the conditions listed therein. [Resolution attached to these minutes].

At 7:08pm Chairperson Karakassis asks for a motion to adjourn the meeting. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of adjourning the meeting.

The next ZBA meeting is at 7:00pm, on Wednesday, July 10, 2024. The submission deadline for which is **noon** Tuesday, July 2nd 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**



AMENDMENT TO USE VARIANCE RESOLUTION

Application #: ZBA 23-04 & ZBA 24-03
Amendment to Use Variance Grid #: 134889-6172-00-515038

Introduced by: **George Jahn**
Seconded by: **Chris Klose**

Date: **June 12, 2024**

The Town of Red Hook Zoning Board of Appeals, at meetings duly convened on June 14, 2023, December 13, 2023, February 14, 2024, March 13, 2024, May 8, 2024 and June 10, 2024, reviewed the facts relevant to Application # 23-04 and Application #24-03 as submitted by George Santoire of AiroSmith Development representing New Cingular Wireless, PCS, LLC & AT&T ("the Applicant") for variances to allow the erection of a wireless communication facility ("the Project") on property located at 3940-3944 Route 9G and owned by MK Levy Properties LLC (parcel No. 134889-6172-00-515038-0000) ("the Property").

WHEREAS, the applications for this Project have undergone numerous iterations and originally included Application #23-03 and Application #23-05, and

WHEREAS, Application #23-03 was withdrawn by the Applicant on February 20, 2024, by letter from Lauren Adornetto, Esq., attorney for the Applicant, and

WHEREAS, Application #23-05 was rendered moot by the merging of Parcel No. 134889-6172-00-515038-0000 and Parcel No. 134889-6172-00-512069-0000 into a single Parcel No. 134889-6172-00-515038-0000 and was withdrawn by the Applicant on February 20, 2024, by letter from Lauren Adornetto, Esq., attorney for the Applicant, and

WHEREAS, the address of the combined parcels is 3940-3944 Route 9G, and

WHEREAS, in a coordinated review, the Town of Red Hook Planning Board issued a Negative Declaration under the State Environmental Quality Review Act, Section 6NYCRR Part 617 on April 1, 2024, and

WHEREAS, the application was referred to the Dutchess County Planning Department pursuant to GML §239-m, and the County determined it was a matter of local concern, and

WHEREAS, the Board held a Public Hearing on March 14, 2024, notice of which was duly published in the Poughkeepsie Journal on March 1, 2024, and posted as required by law, and

WHEREAS, said hearing was held open until April 10, 2024, and was closed on that date, and

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

WHEREAS, this Board and the Applicant have both consented to an extension of time under Town Law 267-a(8) until June 12, 2024, for the Board to vote on Application #23-04 and Application #24-03, and

WHEREAS, all testimony has been carefully considered and the ZBA makes the following findings:

1. A use variance was granted for the property on September 9, 1998 (#5-98).
2. Use Variance #5-98 was amended on January 10, 2024, by Use Variance #23-10,
3. Condition #6 of Use Variance #23-10 reads “Only three structures as currently erected are permitted on the Property without obtaining an amendment to these conditions.”
4. The three structures erected on the property as of the granting of Use Variance #23-10 and permitted under Use Variance #23-10 are used as commercial offices and office buildings.
5. The Applicant now seeks two variances to allow the Project on the Property:
 - a. An amendment to condition #6 of Use Variance #23-10 to authorize development of the proposed wireless facility, at the Property (Application #23-04, as amended by letter dated February 20, 2024, from Lauren Adornetto, Esq., attorney for the Applicant), and
 - b. Relief from Town of Red Hook Code §143-10(F) to permit the Project as a second principal use on the Property, in addition to the principal use approved in Use Variance #23-10 (#24-03).
6. Pursuant to the Court of Appeals decision in *Matter of Cellular Tel. Co. v Rosenberg*, 82 NY2d 364, 371 (1993), a wireless communication facility is considered a public utility.
7. As a public utility, a wireless communication facility is not subject to the use variance criteria outlined in Town Law §267-b(2) or Town of Red Hook Code §143-35(B)(2).
8. “To obtain a use variance, the [Applicant] must demonstrate that the site is necessary to provide safe and adequate service and that there are compelling reasons, economic or otherwise, to obtain the variance. Moreover, where the burden on the community is minimal, the showing required by the utility should be correspondingly reduced.” (*Sprint Spectrum, L.P. v Zoning Bd. of Appeals of the Town of Guilderland*, 173 Misc 2d 874, 877 [Sup Ct 1997] [internal quotations omitted] [citations omitted].)

9. There are areas in the Town of Red Hook where there are gaps in cellular coverage, and there is a demonstrated need for cellular phone service in these unserved areas.
10. The Applicant has shown that the Project would provide service in some of those currently unserved areas as demonstrated in the coverage maps submitted with its application.
11. At the current time no other provider is serving the unserved areas in which the Applicant proposes to provide coverage.
12. Although a wireless facility has been approved in an adjacent municipality (the Town of Rhinebeck) and collocation may be available on that facility when it is fully built, there is no guarantee that that tower will, in fact, be built and that collocation will be available.
13. The Project is subject to special use permit approval, and pursuant to that process and §143-103(B) of the Code of the Town of Red Hook, the Town of Red Hook Planning Board will make a determination whether the Project will be granted a special use permit or whether collocation is feasible and required.
14. In addition to the traditional consumer coverage that AT&T provides on its network, AT&T is also responsible for the First Responder Network Authority ("FirstNet"). FirstNet was created by Congress in 2012 as an independent authority within the United States Department of Commerce to ensure the establishment of a nationwide public safety broadband network. FirstNet gives first responders a single, interoperable platform for emergency and daily public safety communications.
15. The Project, if built, will contribute to FirstNet's mission to deploy, operate, maintain, and improve the first high-speed, nationwide wireless broadband network dedicated to public safety.
16. The Property is not abutted by lots currently used for residences and no available alternative location in the Town would have less impact on the neighborhood.
17. Subject to a determination by the Town of Red Hook Planning Board with respect to whether collocation on the wireless communication facility approved in the Town of Rhinebeck would provide adequate service to the unserved areas of the Town of Red Hook proposed to be served by this Project, the Applicant has demonstrated that the site is necessary to provide safe and adequate service and that there are compelling reasons, economic or otherwise, to grant the variance.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #24-03 and Application #23-04 as described in number 5a. and 5b. above are granted with the following conditions:

1. Payment of any and all outstanding fees and ZBA consultant invoices.
2. Parcel No. 134889-6172-00-515038-0000 shall not be subdivided.
3. Site plan approval must be obtained from the Town of Red Hook Planning Board.
4. Special use permit approval must be obtained from the Town of Red Hook Planning Board.
5. Application for and receipt of any other required permits and approvals from Town of Red Hook, Dutchess County or New York State departments or agencies.
6. The Property must always be in full compliance with all applicable statutes of the State of New York and the laws of the Town of Red Hook.
7. All of the conditions in Use Variance #23-10 (a copy of which is attached hereto) remain in full force and effect with the exception of condition #6 which is replaced with and superseded by the language in Condition #8 herein.
8. Only four structures, specifically the three structures erected on the Property as of January 10, 2024, and the wireless communication facility approved for variances in Application #23-04 and Application #24-03, herein, are permitted on the Property without obtaining an amendment to these conditions.
9. Two principal uses shall be allowed on the Property: (1) business or professional office establishment as described in and approved by this Board in Application #23-10 and (2) a commercial communications receiving and/or transmitting wireless communication facility as described in and approved by this Board in Application #23-04 and Application #24-03, herein.
10. The use variance granted in #23-10 shall be read in conjunction with the variances granted herein.
11. A copy of this resolution shall be sent to MK Levy Properties, LLC, and its attorney Karen Hagstrom, Esq., both by certified mail return receipt requested.

Adopted: June 12, 2024

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

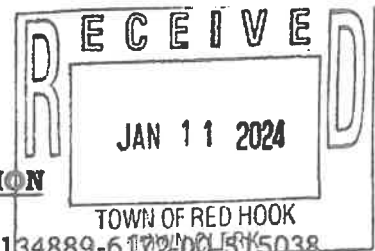
Adopted: June 12, 2024

Zoning Board Chairperson: 
Kate Karakassis

Secretary: *Anne Rubin*

EXHIBIT

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



AMENDMENT TO USE VARIANCE RESOLUTION

Application #: ZBA 23-10 MK Levy Amendment to Use Variance Grid #: 134889-617206-515038

Introduced by: John Bonavita-Goldman

Date: January 10, 2024

Seconded by: George Jahn

The Town of Red Hook Zoning Board of Appeals, at meetings duly convened on **November 8, 2023, December 13, 2023, and January 10, 2024**, reviewed the facts in Application # **23-11** as submitted by MK Levy Properties LLC and Route 9G Properties, LLC, and

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

WHEREAS, the Board acted as Lead Agency in an uncoordinated review and issued a Negative Declaration on **January 10, 2024**.

WHEREAS, said application requests an amendment to a use variance granted on September 9, 1998, and

WHEREAS, the Board held a Public Hearing on **January 10, 2024**, notice of which was duly published in the Poughkeepsie Journal on **December 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. A use variance was granted for the property on September 9, 1998.
2. The use variance allowed the erection of three modular buildings. Two were to be used as office space, and a third was to be limited to use as a model home.
3. The 1998 Use Variance Approval was subject to the following conditions:
 - a. Parcels -515038 and -512069 will be consolidated into one parcel.
 - b. No further expansion of the property.
 - c. Site plan approval must be obtained.
 - d. Only three structures as described to the ZBA (2 offices and 1 model home) will be erected on the Property.
 - e. The structures are to remain residential in appearance.
 - f. The footprint of the three structures is not to exceed a total of 8,000 square feet.

4. The 1998 Site Plan Approval was subject to the following conditions:

- a. Dutchess County Health Department approval must be obtained.
 - i) Note 17 on the Sewage Disposal System Plan dated January [3]¹, 1999, and approved by the Dutchess County Health Department stated that "No water or sewer service connections shall be made to the 1200 square foot model."
 - b. State Department of Transportation approval must be obtained.
 - c. Site Plan revised as per the recommendations of the Board at the January 4th [1999] meeting.
 - i) One of the revisions to the site plan required by the Planning Board was the consolidation by legal instrument of the 3.704 acre parcel (515038) the 3.09 acre parcel (512069) as cited in the notes on the final site plan dated March 24, 1999.
5. The applicant seeks to modify the condition that the 1200 square foot model be limited to use as a model home and seeks to amend the variance to permit use of that structure as "business or professional office establishment."
6. The business that used the model home went out of business in 2011. Limiting the 1200 square foot structure to use as a model home would mean that it would likely remain vacant in perpetuity.
7. A small-scale office use would be similar to the use of the other two structures on the property and would not change the character of the neighborhood.
8. The applicant has agreed to limit the number of parking spaces allotted for the 1200 square foot building to 7 parking spaces for employees and customer/guests as a means of limiting the types of office use that would be permitted in the 1200 square foot structure.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application **#23-10** a request for a to amend the use variance granted in 1998 **granted** with the following conditions:

1. Payment of any and all outstanding fees and ZBA consultant invoices.
2. Parcel -515038 (the consolidated parcel) shall not be subdivided.
2. Site plan approval must be obtained from the Town of Red Hook Planning Board.
3. Application for and approval of the water connection and septic or sewer connection to the 1200 square foot building from the Dutchess County Department of Health.
4. Application for and receipt of any other required permits and approvals from Town of Red Hook, Dutchess County or New York State departments or agencies.
5. The Property must always be in full compliance with all applicable statutes of the State of New York and the laws of the Town of Red Hook.
6. Only three structures as currently erected are permitted on the Property without obtaining an amendment to these conditions.
7. The three structures are to remain residential in appearance.

¹ The copy provided by the Dutchess County Department of Health to the Red Hook Building Department is somewhat faded, but the date appears to be January 3, 1999.

8. The footprint of the three structures is not to exceed the total of the existing footprints as evidenced in the Town's records on January 10, 2024.
9. The number of parking spaces allotted for the 1200 square foot building to 5 to 7 parking spaces as determined by the Town of Red Hook Planning Board during the site plan approval process.

Adopted: January 10, 2024

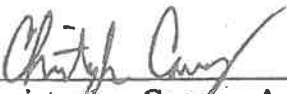
Absent Kathleen Karakassis

Yes Christopher Carney

Yes Christopher Klose

Yes George Jahn

Yes John Bonavita-Goldman



Christopher Carney, Acting Chairperson



Jacqueline A. Fenaroli, Acting Clerk

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



AMENDMENT TO USE VARIANCE RESOLUTION

Application #: ZBA 23-04 & ZBA 24-03

Amendment to Use Variance Grid #: 134889-6172-00-515038

Introduced by: **George Jahn**

Date: **June 12, 2024**

Seconded by: **Chris Klose**

The Town of Red Hook Zoning Board of Appeals, at meetings duly convened on June 14, 2023, December 13, 2023, February 14, 2024, March 13, 2024, May 8, 2024 and June 10, 2024, reviewed the facts relevant to Application # 23-04 and Application #24-03 as submitted by George Santoire of AiroSmith Development representing New Cingular Wireless, PCS, LLC & AT&T ("the Applicant") for variances to allow the erection of a wireless communication facility ("the Project") on property located at 3940-3944 Route 9G and owned by MK Levy Properties LLC (parcel No. 134889-6172-00-515038-0000) ("the Property").

WHEREAS, the applications for this Project have undergone numerous iterations and originally included Application #23-03 and Application #23-05, and

WHEREAS, Application #23-03 was withdrawn by the Applicant on February 20, 2024, by letter from Lauren Adornetto, Esq., attorney for the Applicant, and

WHEREAS, Application #23-05 was rendered moot by the merging of Parcel No. 134889-6172-00-515038-0000 and Parcel No. 134889-6172-00-512069-0000 into a single Parcel No. 134889-6172-00-515038-0000 and was withdrawn by the Applicant on February 20, 2024, by letter from Lauren Adornetto, Esq., attorney for the Applicant, and

WHEREAS, the address of the combined parcels is 3940-3944 Route 9G, and

WHEREAS, in a coordinated review, the Town of Red Hook Planning Board issued a Negative Declaration under the State Environmental Quality Review Act, Section 6NYCRR Part 617 on April 1, 2024, and

WHEREAS, the application was referred to the Dutchess County Planning Department pursuant to GML §239-m, and the County determined it was a matter of local concern, and

WHEREAS, the Board held a Public Hearing on March 14, 2024, notice of which was duly published in the Poughkeepsie Journal on March 1, 2024, and posted as required by law, and

WHEREAS, said hearing was held open until April 10, 2024, and was closed on that date, and

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

WHEREAS, this Board and the Applicant have both consented to an extension of time under Town Law 267-a(8) until June 12, 2024, for the Board to vote on Application #23-04 and Application #24-03, and

WHEREAS, all testimony has been carefully considered and the ZBA makes the following findings:

1. A use variance was granted for the property on September 9, 1998 (#5-98).
2. Use Variance #5-98 was amended on January 10, 2024, by Use Variance #23-10,
3. Condition #6 of Use Variance #23-10 reads “Only three structures as currently erected are permitted on the Property without obtaining an amendment to these conditions.”
4. The three structures erected on the property as of the granting of Use Variance #23-10 and permitted under Use Variance #23-10 are used as commercial offices and office buildings.
5. The Applicant now seeks two variances to allow the Project on the Property:
 - a. An amendment to condition #6 of Use Variance #23-10 to authorize development of the proposed wireless facility, at the Property (Application #23-04, as amended by letter dated February 20, 2024, from Lauren Adornetto, Esq., attorney for the Applicant), and
 - b. Relief from Town of Red Hook Code §143-10(F) to permit the Project as a second principal use on the Property, in addition to the principal use approved in Use Variance #23-10 (#24-03).
6. Pursuant to the Court of Appeals decision in *Matter of Cellular Tel. Co. v Rosenberg*, 82 NY2d 364, 371 (1993), a wireless communication facility is considered a public utility.
7. As a public utility, a wireless communication facility is not subject to the use variance criteria outlined in Town Law §267-b(2) or Town of Red Hook Code §143-35(B)(2).
8. “To obtain a use variance, the [Applicant] must demonstrate that the site is necessary to provide safe and adequate service and that there are compelling reasons, economic or otherwise, to obtain the variance. Moreover, where the burden on the community is minimal, the showing required by the utility should be correspondingly reduced.” (*Sprint Spectrum, L.P. v Zoning Bd. of Appeals of the Town of Guilderland*, 173 Misc 2d 874, 877 [Sup Ct 1997] [internal quotations omitted] [citations omitted].)

9. There are areas in the Town of Red Hook where there are gaps in cellular coverage, and there is a demonstrated need for cellular phone service in these unserved areas.
10. The Applicant has shown that the Project would provide service in some of those currently unserved areas as demonstrated in the coverage maps submitted with its application.
11. At the current time no other provider is serving the unserved areas in which the Applicant proposes to provide coverage.
12. Although a wireless facility has been approved in an adjacent municipality (the Town of Rhinebeck) and collocation may be available on that facility when it is fully built, there is no guarantee that that tower will, in fact, be built and that collocation will be available.
13. The Project is subject to special use permit approval, and pursuant to that process and §143-103(B) of the Code of the Town of Red Hook, the Town of Red Hook Planning Board will make a determination whether the Project will be granted a special use permit or whether collocation is feasible and required.
14. In addition to the traditional consumer coverage that AT&T provides on its network, AT&T is also responsible for the First Responder Network Authority ("FirstNet"). FirstNet was created by Congress in 2012 as an independent authority within the United States Department of Commerce to ensure the establishment of a nationwide public safety broadband network. FirstNet gives first responders a single, interoperable platform for emergency and daily public safety communications.
15. The Project, if built, will contribute to FirstNet's mission to deploy, operate, maintain, and improve the first high-speed, nationwide wireless broadband network dedicated to public safety.
16. The Property is not abutted by lots currently used for residences and no available alternative location in the Town would have less impact on the neighborhood.
17. Subject to a determination by the Town of Red Hook Planning Board with respect to whether collocation on the wireless communication facility approved in the Town of Rhinebeck would provide adequate service to the unserved areas of the Town of Red Hook proposed to be served by this Project, the Applicant has demonstrated that the site is necessary to provide safe and adequate service and that there are compelling reasons, economic or otherwise, to grant the variance.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #24-03 and Application #23-04 as described in number 5a. and 5b. above are granted with the following conditions:

1. Payment of any and all outstanding fees and ZBA consultant invoices.
2. Parcel No. 134889-6172-00-515038-0000 shall not be subdivided.
3. Site plan approval must be obtained from the Town of Red Hook Planning Board.
4. Special use permit approval must be obtained from the Town of Red Hook Planning Board.
5. Application for and receipt of any other required permits and approvals from Town of Red Hook, Dutchess County or New York State departments or agencies.
6. The Property must always be in full compliance with all applicable statutes of the State of New York and the laws of the Town of Red Hook.
7. All of the conditions in Use Variance #23-10 (a copy of which is attached hereto) remain in full force and effect with the exception of condition #6 which is replaced with and superseded by the language in Condition #8 herein.
8. Only four structures, specifically the three structures erected on the Property as of January 10, 2024, and the wireless communication facility approved for variances in Application #23-04 and Application #24-03, herein, are permitted on the Property without obtaining an amendment to these conditions.
9. Two principal uses shall be allowed on the Property: (1) business or professional office establishment as described in and approved by this Board in Application #23-10 and (2) a commercial communications receiving and/or transmitting wireless communication facility as described in and approved by this Board in Application #23-04 and Application #24-03, herein.
10. The use variance granted in #23-10 shall be read in conjunction with the variances granted herein.
11. A copy of this resolution shall be sent to MK Levy Properties, LLC, and its attorney Karen Hagstrom, Esq., both by certified mail return receipt requested.

Adopted: June 12, 2024

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

Adopted: June 12, 2024

Zoning Board Chairperson: 
Kate Karakassis

Secretary: 