

Town of Red Hook ZBA
Draft Meeting Minutes
May 10, 2023

Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:01pm. Present are Chairperson Karakassis, Chris Carney, Chris Klose, and George Jahn, and John Bonavita-Goldman. Also Present are ZBA Attorney, Town of Red Hook ZEO, Bob Fennell.

At 7:01pm Chairperson Karakassis opens the meeting.

Approval of Draft Minutes

At 7:02pm Chairperson Karakassis asks for a motion to approve the April 12, 2023 draft meeting minutes. There is no discussion. Chris Klose so moves and John Bonavita-Goldman seconds. Chairperson Karakassis, Chris Carney, George Jahn, Chris Klose, and John Bonavita-Goldman vote in favor of approving the April 12 meeting minutes, as drafted.

Planning Board Minutes

There are no comments regarding the Planning Board minutes

Comments from the Chair

Karakassis states she has no comments at this time.

Public Hearing

ZBA 23-01 Devereaux Foundation, represented by John Lopez, application for an area variance to install a chain link fence, eight feet in height, around the entire perimeter of the Devereaux Campus. The Town of Red Hook Zoning Law, Section 143-28A limits the heights of fences to six feet in the side and rear yards, and four feet in height in the front yard. The subject parcel is located at 40 Devereaux Way, in the Town of Red Hook, in the Institutional Zoning District.

Chairperson Karakassis reads the agenda item and asks the applicant if he has any further comments on the project, prior to the public hearing, to which Mr. Lopez replies he does not.

At 7:04 pm Chairperson Karakassis asks for a motion to open the public hearing. Chris Klose so moves, George Jahn seconds, and all ZBA members vote in favor of opening the public hearing.

Chairperson Karakassis invites members of the public to address the Board with their comments, and to present their comments concisely, and further states the Board received a letter from Jim and Lori Holt, of 65 Vosburgh Road, (letter attached to these minutes), stating their concerns with the proposed fence.

Pam Mullen, tax parcel number 165340, states the neighbors whose parcels border the Devereux property would like more information, and further states she does not find a chain-link fence attractive. Ms. Mullen further states the view from her parcel is of the Devereux parking lot.

Chairperson Karakassis confirms with the applicant the red dotted-line, in the aerial photograph represents the proposed fence. The applicant shows Chairperson Karakassis the location of the parking lot, in the same aerial photograph. The ZBA Clerk distributes copies of this image to members of the public who wish to view it.

Chairperson Karakassis states the ZBA is only considering the height of the fence, and notes the Planning Board will consider other aspects of the fence during the site plan review. Ms. Mullen asks if the fence will be on the Devereux side of the property boundary, to which Mr. Lopez states it will. Chairperson Karakassis asks Ms. Mullen if the ZBA members can visit her property, and if she would like prior notice of the site visit. Ms. Mullen states she would like prior notice, and arranges to give her contact information to the ZBA Clerk.

Chris Klose asks the applicant what type of trees are near the shared property line with Ms. Mullen, on the Devereux side, to which Mr. Lopez replies they are mature evergreens some 35' to 50' in height. Chris Klose confirms with Mr. Lopez the fence will be behind the trees. Chris Klose asks the applicant where the branches start on the trees, to which Mr. Lopez responds some are higher up, and others are lower.

Ms. Mullen states the Devereux property is elevated with respect to her property, and further notes the view of the parking lot is level with the windows of her house, and comments when the deciduous trees lose their leaves, she can see the parking lot.

John Bonavita-Goldman asks Ms. Mullen what type of trees are on her side of the property line. Mr. Lopez states her property looks diagonally at the parking area and notes it cannot be moved. Chris Klose confirms with the applicant the large white area on the aerial photograph is the septic field. Chairperson Karakassis notes the parking area is visible to Ms. Mullen's property, but not directly adjacent.

Brandon Martin, tax parcel number 164317, asks the Board what color the fence will be, to which Chairperson Karakassis replies it is described as sheathed in a black, plastic coating. Mr. Martin states he prefers green, since it will be less visible. Mr. Bob Baker, the fence installer, states the fences normally come in black, and also states he can look into whether or not green is available as a coating color. Mr. Martin asks if there will be lights on the fence, to which Mr. Lopez replies there will not. ZEO, Bob Fennell states the required side and rear yard setbacks for a fence in the Institutional District are 50', and

the required front yard setback for the District is 100', for non-fence structures, and further clarifies, according to Zoning Law Section 143-28A, fences do not have to meet the setback requirements. ZBA Attorney, Janis Gomez Anderson states a fence can potentially be on the property line. Brandon Martin states as long as the fence is only eight-feet in height, with no lights, and not black, he is not against it. Mr. Lopez states it is not Devereux's intention to install a fence on the property line. Chris Klose asks the applicant if there is any leeway near the septic field. ZBA Attorney, Janis Gomez Anderson states the ZBA must include a four foot variance for the front yard fence height.

Mary Pullaro of 8242 Albany Post Road, tax parcel number states the fence is following a curved line, and refers to a letter from Jim and Lori Holt. Chairperson Karakassis states there are vines and bushes in the area in question, which should provide some screening. Mr. Lopez states he spoke with the Holts. Chairperson Karakassis asks the applicant if there is any possibility of moving the fence inward so that an existing stand of cedar trees will provide some screening diagonally, and further notes this area of the Devereux property appears to be unused.

ZBA Attorney Janis Gomez Anderson states the Planning Board will have a Site Plan review and approval process, in which the exact location of the fence will be mapped out. Ms. Anderson further states there will be a public hearing in which members of the public will be able to provide comments. ZEO Bob Fennell asks if the red line represents where the fence will go, to which the applicant replies as close as it can be depending on the terrain. Chris Klose confirms with the applicant the fence will move inward where the trees are, and away from the neighbors.

John Bonavita Goldman asks why the applicant wishes to install the perimeter fence, to which Mr. Lopez replies for security from potential trespassers, and for any Devereux residents who might otherwise wander off the property.

Pam Mullen states she is still concerned about a 10' tall, chain-link fence, with a gate, which, she states will result in a prison-like look. Ms. Mullen states she objects to having the fence near the rear of her property, and further states when she moved in 28 years ago, there were no outdoor lights, no parking lot. Ms. Mullen states the fence will negatively affect her property value. ZBA Attorney Janis Gomez Anderson states the applicant is permitted to install a six-foot-high fence with no variance from the ZBA.

At 7:29 pm Chairperson Karakassis asks for a motion to continue the public hearing to the June 14, 2023 meeting, or the next subsequent meeting. Chris Klose so moves. John Bonavita Goldman seconds, and all Board members vote in favor of continuing the public hearing.

Chairperson Karakassis states she will be coming out to see the other, neighboring properties.

Chairperson Karakassis reads the questions from Part 2 of the Short Environmental Assessment Form, and the Board responds as follows:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? All Board members respond "No".

2. Will the proposed action result in a change in the use or intensity of use of land? All Board members respond "No".

3. Will the proposed action impair the character or quality of the existing community? Chris Carney states it will have a minimal impact. John Bonavita Goldman states it will have a small impact. George Jahn states he will withhold response until he sees it. Chris Klose and Chairperson Karakassis respond "No".

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? All Board members respond "No".

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? All Board members respond "No".

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? All Board members respond "No".

7. Will the proposed action impact existing public or private water supplies, or public or private wastewater treatment facilities? All Board members respond "No" to each question.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? John Bonavita Goldman states the aesthetic resource is impaired. Chairperson Karakassis advises all Board members to wait to respond until they have each made a site visit.

9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)? George Jahn and Chris Klose state there could be a disruption to the migration patterns of turtles. Chairperson Karakassis states small animals will go through the fence, and larger ones will go around, further stating she is satisfied with a "No".

10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage? All Board members respond "No".

11. Will the proposed action create a hazard to environmental resources or human health? All Board members respond "No".

Chairperson Karakassis states the Board will not be voting on SEQR at this meeting, but will wait until the next meeting.

Public Hearing

ZBA 23-02 Bard College, represented by Coleen Murphy Alexander application an area variance to construct four student residence halls as follows, Building A1 41' in height, Building B 47' 6" in height, Building C 46' in height, Building HH 43' in height. Section 143-12, The District Schedule of Area and Bulk Regulations, of the Town of Red Hook Zoning Law, limits the maximum height of buildings in the Institutional Zoning District to 35'. See also, 143-Attachment 2 of the Town of Red Hook Zoning Law. The subject parcel is located at 30 Campus Road, Annandale on Hudson, NY, in the Town of Red Hook, in the Institutional Zoning District.

Chairperson Karakassis reads the agenda item, and notes there are no members of the public present, and confirms with the ZBA Clerk no emails or letters have been received by the ZBA Office.

At 7:42pm Chairperson Karakassis asks for a motion to open the public hearing. Chris Klose so moves, George Jahn seconds, and all Board members vote in favor of opening the public hearing.

At 7:42pm Chairperson Karakassis asks for a motion to close the public hearing. Chris Klose so moves, George Jahn seconds, and all Board members vote in favor of closing the public hearing.

Chairperson Karakassis notes the Planning Board has requested changes to the project which do not affect the height of the structures. Laurel Reiter, the project manager confirms this.

At 7:44pm Chairperson Karakassis, on advice of counsel, makes a motion to reopen and continue the public hearing until the June 14, 2023 ZBA meeting, or the next meeting. Chris Klose so moves, George Jahn seconds, and all Board members vote in favor of reopening the public hearing and continuing it to the June 14, 2023 meeting, or the next meeting. ZBA Attorney Janis Gomez Anderson states if the public hearing is open, the Board has 62 days to vote, otherwise the application is automatically denied. Chairperson Karakassis states to the applicant in the unlikely event 62 pass, your application is denied.

ZBA Attorney Janis Anderson states the ZBA can discuss the application, but it may not vote. Chairperson Karakassis states the ZBA must wait for the Planning Board to complete SEQR. Vin Tiberia with Bard College states they are waiting on New York State SHPPO to respond. Chris Klose asks what the issue is with SHPPO, to which Laurel Reiter responds there is an archeological site.

Chairperson Karakassis asks the Board if it has any comments or concerns. Chris Carney states he is concerned about potential traffic impacts. Chris Klose asks what is the percentage of Bard students with cars. Coleen Murphy Alexander states no first year students are permitted to have cars. Chairperson Karakassis states the ZBA does not have concerns at this time. George Jahn asks if an indoor bike storage facility is planned,

to which Coleen Murphy Alexander responds it is not, but there is covered bike parking at the Old Gym.

At 8:51 Chairperson Karakassis asks for a motion to adjourn. Chris Carney so moves, and John Bonavita Goldman seconds. All Board members vote in favor of adjourning.

The next regularly scheduled ZBA meeting is June 14, 2023. The submission deadline for this meeting is noon of Tuesday, June 7, 2023

Anne Rubin

From: Anne Rubin
Sent: Wednesday, May 10, 2023 4:20 PM
To: Lori Pierce
Subject: RE: Devereaux Request for Variance

Hello Lori,

I have distributed your letter to the Board and attorneys. It will also be included in the meeting minutes for tonight's meeting.

You are also welcome to attend in person, and address the Board (not the applicant) with any questions you may have.

Best Regards,

Anne Rubin, Clerk
Town of Red Hook ZBA
7340 South Broadway
Red Hook, NY 12571
ARubin@RedhookNY.gov
(845)758-4624

~~From: Lori Pierce~~
Sent: Monday, May 8, 2023 6:43 PM
To: Anne Rubin <ARubin@RedhookNY.gov>
Subject: Devereaux Request for Variance

Good Evening Anne,

I met with executive director, John Lopez, from Devereux today who kindly agreed to review the proposal for fencing the Devereux property. He met me at my home, located at 65 Vosburgh Road in Red Hook to discuss the proposed 8' chain link fence that will run along the entire south and west sides of our property. I pointed out the current section of fence (that runs parallel to Vosburgh on the south side) that is in place. When the new and additional fencing is built, whether it is 6' or 8', it will be highly visible from our lawn. There is not an excess of tree coverage to lessen the eyesore. This will be even more apparent in the autumn and winter months. John did agree and although, he couldn't state specifics, said that he would be willing to work with my husband and me to possibly bring the fence in a bit more on the Devereux property, to reduce the negative impact to our property.

My husband, Jim and I have owned our home on Vosburgh Road since 2016, and these plans, as you can imagine, came as a surprise. We are concerned about the impact to our property and how this will, more than likely, reduce the value should we decide to sell one day. The property and its open space and beautiful woodlines were a huge part of the appeal for us. We don't want to lose this and have concerns about being enclosed completely on both the south and west sides as if we live within an enclosed prison yard. Needless to say, we are not pleased with the proposal, and would love to see a proposal for another option that doesn't create a daily eyesore for us as residents, and doesn't further impact the value of our property.

Thank you,

Jim and Lori Holt
65 Vosburgh Rd, Red Hook, NY 12571