

Town of Red Hook

Agriculture and Open Space Committee

Minutes of October 9, 2014

Joint Meeting with Zoning Review Committee

Attendance: John Hardeman, Richard Biezynski, Ken Migliorelli, Michael Robertson, Town Board Councilman William O’Neill (liaison) and Linda Keeling, secretary.

Absent: Co-chairperson Norman Greig, Co-chairperson Pete Hubbell, Marina Michahelles and Mary Ann Johnson

Guests: Kellie Robertson

ZRC Members: Chris Klose, Brent Kovalchik, John Douglas, Linda Stoddard, Sam Phelan, Steve Cole and Chairman Susan Simon

ZRC Meeting Opened: Chairman Susan Simon opened her meeting at 7:35 pm and welcomed members of the AOSC. Linda Stoddard passed out a hand out of the final draft of the wording recommendation to be presented to the Town Board regarding changes to the fencing law.

Minutes: There was a quorum of the ZRC.

Motion: The ZRC Minutes from June 12, 2014 were approved.

Chairman Susan Simon thanked Sam Phelan for the wording. She directed members to address their comments to Sam Phelan and Steve Cole as they spearheaded this.

Brent Kovalchik questioned the meaning of 143-28A “in all zones” and felt “qualified” should be added.

John Douglas wanted to know what is meant by “in all qualified zones” He felt the word “qualified” would cause problems for future Zoning Code Enforcers.

Rich Biezynski of AOSC indicated that Norman Greig has properties in various zones. Is it how we define or the state defines it? Presently we need 7 acres.

John Douglas responded that within a Water Conservation District, you can have a farm in a TND.

Chairman Susan Simon asked Brent Kovalchik if there could be any potential abuses without the word “qualified”. She asked him if he felt okay with wording remaining as is without his recommendation. He agreed not to have the qualifier but go with the simpler language.

Chairman Susan Simon wanted to know if there were any further comments from co-chairs Norman Greig or Pete Hubbell.

Ken Migliorelli said Norman Greig told him he was fine with the wording as it is.

Brent Kovalchik wanted to know if the zoning change verbiage should address spite fences.

Sam Phelan responded it's only for general fences, specifically agricultural fences.

The ZRC approved a motion to accept the following narrative submitted by Sam Phelan:

Add to section 143-4 the following definition:

Agricultural fences – fences constructed on parcels that are within a New York State certified Agricultural District and constituting a farming operation as defined in section 395-a of the New York State Agriculture and Markets law for purposes of a) containing or protecting farm animal and crops from wild animals or trespassers or b) buffering agricultural areas from residential and commercial uses.

Modify section 143-28A as follows:

Delete that's sentence beginning “Fencing for agricultural purposes...”

Add the following sentence at the end “Agricultural fences shall be exempt from building permits and height restrictions in all zones.”

Rich Biezynski of AOSC was pleased to see a finalized written fence proposal as it has taken 3 years.

Bill O'Neill indicated the Town Board may want the ZRC to address spite fences.

Chairman Susan Simon said the group talked about spite fences but was not directed by the Town Board based on her past experiences. Perhaps discussion about spite fences could occur at a future meeting.

Rich Biezynski wanted to know if the town board will vote on this wording.

Bill O'Neill believes that at least one board member is okay with this.

John Douglas felt that there are three board members willing to go with it.

Bill O'Neill felt the ZRC should define spite fence.

John Douglas felt Chairman Susan Simon is waiting for the Town Board to direct the ZRC on this matter. In the past, the ZRC has talked about many topics that were not directed by the town board.

Steve Cole said he brought up the spite fence issue to the Town Board without their prompting.

Bill O'Neill noted that Red Hook has had issues regarding roosters, wind chimes and general noise. He noted that Rhinebeck has zoning addressing these issues.

NEW BUSINESS

Chairman Susan Simon felt that spite fences could be an agenda item for the November 13 meeting at 7:00 pm.

Sam Phelan asked *Steve Cole* if he has any referencing materials that he could send to *Linda Stoddard* for members to see before the next meeting.

Chairman Susan Simon indicated that AOSC liaison *Ken Migliorelli* can share the ZRC minutes with AOSC.

Linda Stoddard noted that there are two vacancies on the ZRC. They need a Village of Tivoli representative.

Chairman Susan Simon asked *Bill O'Neill* if he could ask *Harry Colgan* of Tivoli if he could recommend someone from Tivoli to serve on the ZRC.

Mike Robinson of AOSC volunteered to be their community representative. *Chairman Susan Simon* directed *Mike* to write a letter to Town Clerk *Sue McCann*, copying *Linda Stoddard*, noting his willingness to serve on the ZRC as a community representative.

Bill O'Neill canvassed the group to see if they all will serve again for the next term for a 3 year appointment. Those present said they could.

Adjournment: The meeting adjourned at 8:05 pm.

Respectfully submitted,

Linda J. Keeling, AOSC Secretary

APPROVED 2/24/15