

**Town of Red Hook
Zoning Board of Appeals Meeting Minutes
June 13, 2012**

CALL TO ORDER

The meeting was called to order at 7:04 P.M by Chairman Nick Annas.

ROLL CALL

Members Present: Nick Annas, John Douglas, Kenneth Anderson, Christopher Carney, Tim Ross

Absent: Jim Hegstetter, Paul Marienthal

PRELIMINARY BUSINESS

Minutes of May 9, 2012: Chairman Annas asked if everyone had read the May Minutes and invited comments or questions. Hearing none, Chris made a motion to approve the Minutes as written. The motion was seconded by John and all were in favor.

Planning Board Minutes and Letters: There were no comments from the Board.

Building Inspector/ZEO Permits and Memos: The Permits and memos were reviewed by the Board.

PUBLIC HEARING

7:05 Continuation of Public Hearing for Appeal 12-06, application by Charles Simmons on behalf of Bard College to erect five signs totaling 38 square feet in an area where the Code permits only a single identity sign of 12 square feet. The applicant's property is located at 4604 Route 9G in the RD 3 zoning district, tax map #6173-00-714730. Chairman Annas opened the Public Hearing at 7:05 P.M. Using the plans which he had submitted, Mr. Simmons showed the Board where he proposes to place the signs. He said that he wants to erect two double posted signs. There will be LED downlighting. The restaurant is requesting a double posted sign, the lettering for which is just under twelve square feet. Chairman Annas said that the size of the sign is the full surface area which accommodates the lettering. Since it will be on a wall, it would not be fair to consider the whole wall; however, the size of the sign should be considered the rectangle circumscribing the printing. If that rectangle is fifteen inches by nearly twelve feet, it would be fifteen square feet of signage.

Mr. Simmons said that the second part of the signage package would be about six square feet. Chairman Annas said that there again the Board would be looking at the circumscribing rectangle. He asked what the dimensions of the sign would be. Mr. Simmons said that he did not have the dimensions. However he said that the plan was to scale. In reviewing the plan, Chairman Annas said that the second sign would probably be at least twelve square feet. In response to questioning, Mr. Simmons said that none of

this signage was on the building yet. However, the directional sign on 9G does exist now. Chairman Annas asked why Bard needs a sign on one property which identifies another property. Mr. Simmons said that it is desirable to have this sign because vehicles traveling the road have a hard time identifying the location of the College. Chairman Annas expressed the opinion that it would be a redundant sign.

Chairman Annas recommended a survey when Mr. Simmons said that he did not know where the property lines were. It was ascertained that Mr. Simmons is requesting two identity signs and one directional sign which is unrelated to the property on which Mr. Simmons proposes to place it. Mr. Simmons said that it is a way finding sign. Chairman Annas said that the sign identifies the property across the street, not the property on which it will reside. If it had arrows on it, he continued, I would consider it a directional sign. Tim said that directional signs are not on the property, but point to it from a nearby location. Business signs are in front of a business. In response to Ken's question, Mr. Simmons said that the directional sign is two sided. The Board reviewed the Code relative to directional signs and determined that such signs are limited to six square feet.

John asked what would be included in the thirty eight square feet of signage which Mr. Simmons has requested. Mr. Simmons said that what the architect is requesting is actually sixty two square feet of signage. Tim said that the original request did not include the 24 square feet for the directional sign, which was already existing. The Board reviewed the calculations for the various signs.

John said that the Code stipulates that directional signs are a Special Permit use. Chairman Annas said that such a Permit would be issued by the Planning Board. The Board reviewed the relevant sections of the Code and referred the applicant to the Planning Board relative to the directional sign.

Chairman Annas said that the dimensions of the signs must be correct so that when they are inspected the judgment of the Building Inspector can be based on what the Board has ruled on. Each of the two advertising signs will be about twelve square feet, i.e. two foot ten inches plus four inches to include the piece on the top. On the building, the sign will be about fifteen square feet. Tim said that this totals about 51 square feet, i.e. 27 square feet on the face of the building and 24 on the advertising sign.

Motion to Grant Variance

Tim Ross made a motion to grant a variance allowing 24 square feet of advertising divided among two twelve foot double sided, free standing signs and 27 square feet of signs on the face of the building as depicted in the submitted materials. The property is in a unique location. Traffic moves at a high rate of speed and the additional square footage is needed in order for passersby to recognize the business. The most impacted property is that of the applicant who is looking at it from across the street. The variance will be a benefit to the applicant and will be no detriment to the neighborhood as there are no residents in the area. The motion was seconded by John Douglas. A roll call vote was taken and all were in favor. The motion was therefore passed by a five to zero vote.

REVIEW OF APPEAL

7:40 Appeal 12-07, Jakob Cirell application for an interpretation of Section 143-41 (D) (4) of the Town Code which lists allowable farm industries and businesses on farms in the RD3 zone. Mr. Cirell wishes to establish a small brewery at 214 Oriole Mills Road, Tax Grid #6371-00-397857 in the RD 3 zoning district. Chairman Annas called Mr. Cirell forward to present his proposal. Mr. Cirell said that while the zoning law does not specifically allow breweries, it does permit the processing of locally produced agricultural products. The production of beer is a process and the ingredients will be locally produced. The malt barley and hops will be grown in New York State. In response to Ken's question, Mr. Cirell said that the farm is about 97 acres, but the majority is forest. The property was formerly used for the boarding of horses; however this is no longer happening and the owner is renting out some of the space to small businesses. It was determined that the property is located on the back side of the golf course. It has a Rhinebeck address but most of the property is in Red Hook.

Mr. Cirell said that he is renting the property. When asked what structures are on the property, he said that there is a residence, a large indoor riding facility and a large barn. In response to Ken's question, Mr. Cirell said that there are currently no crops being grown on the property. Chairman Annas asked if Mr. Cirell would be using any of the existing structures. Mr. Cirell said that he would be renting and using a small building which has a bathroom. He plans to renovate that building and put in the equipment he needs. He will brew and bottle his beer on site. He will sell bottles and kegs. Chairman Annas asked if there will be any on premises consumption. Mr. Cirell said that the operation will be in keeping with the New York State Liquor Authority, which allows for tastings if one has a NYS Brewery License. However, it will not be a bar. He will also offer tours. It is part of a good business model to have a positive interaction with the customer and have the customer relate to the product and see how it is made, Mr. Cirell said. The majority of the sales could be on premises sales. In response to questioning, Mr. Cirell said that he has done brewing before and has worked in a brewery.

Mr. Cirell said that he would be establishing and managing the brewery, which would be a very small operation. He said that he would like to grow some of the hops and grains on the property, but it would be a lot of work to grow everything he needs. He would like to plant hops and barley. It is tillable land. Tim suggest that the Board review the case of the Allison Winery on Greig Farm. That business has since closed, but the issues are exactly the same as those of Mr. Cirell. NYS Ag and Markets considers anything grown in the state to be local. Mr. Cirell said that another consideration is the beer making process after the grain is used. You then have spent grain which is good for animal feed. Mr. Cirell said that he would like to use this feed to raise some chickens and pigs. He emphasized that he does not want to run a drinking establishment.

In response to questioning, Mr. Cirell said that he would like to sell his beer at the farm and at local stores and farmers' markets. Ken said that he had visited the property and found that it was in very poor condition. The buildings are dilapidated and junk is everywhere. There is an old, rusty trailer in the front driveway. The property cannot be

considered a rural residential property. I don't know how you could put any kind of a facility in those dilapidated buildings, he said. I don't think you will be able to grow anything on that property. It is past the point of being restored or reclaimed as agricultural land. He said that he thought that a business was being operated on the property now as he has seen lawn mowing equipment there.

Tim told Mr. Cirell that he knows what he has to do to rehabilitate the building he wants to use. Ken said that he thought that the Board should tour the property. Chairman Annas asked if anyone is on the premises. John asked if Mr. Cirell could set up a date and time when the Board members could meet at the property and tour it. It was agreed that this should occur on July 10th. Chairman Annas told Mr. Cirell that the visit would help him in that it would offer him an opportunity to show the Board just how he plans to implement his proposal.

John felt that, using the model of the Allison Winery, ten acres should be plausible for harvesting a crop. Tim said that Allison was buying grapes from the Finger Lakes region, which our Code and NYS Ag and Markets considered to be local. If Mr. Cirell buys hops and barley which are produced in NYS, we will not have that issue with the ten acres. Mr. Cirell pointed out that the products are very different and the history of wineries and breweries is very different in that the production of the raw ingredients for beer is usually not on site while a winery will usually grow their own grapes. It is a different business model. It was noted that the winery was required to have ten acres under cultivation and the Board may require Mr. Cirell to do the same.

Mr. Cirell said that he would contact the owner to assure that there would be no problem with having the Board members visit the property. He will be there to show them around on July 10th. The Public Hearing is scheduled for July 11, 2012 at 7:05 P.M.

ADJOURNMENT

Tim Ross made a motion to adjourn the meeting. The motion was seconded by John Douglas and all were in favor. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,
Sheila Franklin
Secretary

FINDINGS AND DECISION

Appeal 12-06, application by Charles Simmons on behalf of Bard College.

FINDINGS:

1. The property is located at 4604 Route 9G in the RD 3 zoning district.
2. Tax Map #6173-00-714730.
3. The zoning law permits a single identity sign of 12 square feet.
4. The applicant wishes to erect three signs totaling 51 square feet.
5. There were no objections from the public.
6. A variance would be of benefit to the applicant with no detriment to the neighborhood.
6. The following signage shall be permitted: a total of 24 square feet of advertising signage divided among two twelve square foot double sided, free standing signs and a total of 27 square feet of advertising signage divided among two signs on the face of the building as depicted in the materials submitted to the Board.
7. The applicant is referred to the Planning Board for a Special Permit for the directional sign.
8. There will be no impact on the health, welfare or safety of the community.

DECISION: Tim Ross made a motion to grant the variance based upon the above findings. The motion was seconded by John Douglas and carried by a 5-0 roll call vote.

Dated: June 13, 2012