

Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
April 9, 2014

**CALL TO ORDER**

The meeting was called to order at 7:00 PM by Chairman Annas.

**ROLL CALL**

Members Present: Nick Annas, Tim Ross, Chris Carney, Ken Anderson, John Douglas

Absent: Jim Hegstetter, Trilby Sieverding

**PRELIMINARY BUSINESS**

Minutes of December 11, 2013: Chairman Annas asked if everyone had read the December 13, 2013 Minutes and invited comments or questions. Hearing none, Tim Ross made a motion to accept the Minutes as written. The motion was seconded by John Douglas and all were in favor

Planning Board Minutes and Letters: Chairman Annas asked the Board if they had any comments. Discussion took place on the three subdivisions - Feller Newmark (11 homes), Anderson Commons and the 96-home Hoffman Estates.

Building Inspector/ZEO Permits, Memos/Comments: The Permits now get emailed to the Board members. All members have been receiving the permits and all agree this method works well.

Comments from the Chairman: Chairman Annas had no comments.

**REVIEW OF APPEAL**

7:05 Appeal 14-01, Donald W. Triebel application to increase the maximum number of children enrolled on a regular basis at a child day care center to 120 children. Section 143-77 A of the Town Zoning Law limits the number of enrolled children to 40. The applicant's property is located at 208 Rockefeller Lane in the R1.5 zoning district, Tax Grid #6273-00-921623.

Donald Triebel introduced himself to the Board.

Mr. Triebel explained that Half Pint Day Care is currently owned by Darlene (Cricket) Pedatella. Ms. Pedatella is currently selling the building to Mr. Triebel. Mr. Triebel would like to make it the new home of Funshine Nursery School. Mr. Triebel said there was a variance on Half Pint Day Care Center for 60 enrolled students. Mr. Triebel explained that there probably wouldn't be more than 70 children there at one time and that it was more the technicality on the term "enrolled" because Funshine isn't only a day care center, it's a day care/nursery school. Mr. Triebel stated some of the children only come part-time, two or three days a week, so it was more the terminology to allow the New York State to regulate the amount of children at the day

care center through the Office of Child Family Services (OCFS). Mr. Triebel said, "We still have to follow their rules for the building size, which is one child per 35 ft. at any given time."

Chairman Annas asked how many sq. ft. the building was.

Mr. Triebel said there are two buildings that are usable. One building is about 900 sq. ft. and the other building is about 2990 sq. ft.

John Douglas asked that Mr. Triebel come to the next meeting with the exact numbers.

Darlene (Cricket) Pedatella introduced herself as the current owner of Half Pint Day Care Center.

Ms. Pedatella stated she first opened the day care in 1994 with the help of her father, Frank Pedatella. Since then, she has made two additions. Ms. Pedatella followed New York State's rules and regulations for operating day care centers. Ms. Pedatella explained that over the years, she added 500 sq. ft. onto the original building and then added a 900 sq. ft. out building that they utilized for day care.

John Douglas asked that Jackie Fenaroli get the original variances from 1994 and any others there may have been over the years.

Chairman Annas asked if the Half Pint Day Care Center was currently in service.

Ms. Pedatella said their license was currently on hold, which means the day care center is inactive. The center has been inactive for one month. Ms. Pedatella recently stopped running the center for personal reasons.

Chairman Annas asked Mr. Triebel if he was going to have enough space to expand from 60 to 120 children. You need 200 ft. of play area per child. My understanding is that you're supposed to be 50 ft. in each of the borders.

John Douglas stated that on one side of that property, it's not a residential property line. That property line is under conservation easement and it will be farm land forever.

Tim Ross stated that it is really just a head count variance because there is already a variance for exactly what has been done on the property. The variance runs with the property until such time the zoning code changes and then it gets extinguished.

Chairman Annas asked Mr. Triebel if the buildings can accommodate 120 children at 35 per sq. ft.

Mr. Triebel said they never expect to have 120 children there at one time.

Chairman Annas asked Mr. Triebel how many children he expects to have at the day care center at one time?

Cathy Triebel, Donald's mother, who runs Funshine Nursery School in Red Hook, says in the morning classes, there are two classes with 20 children maximum in them and St. Francis is there two days a week. So, there's another 15 children on those other two days at the one site. At the

other site on Fisk Street where the toddlers are located, the maximum day there would be 18 plus 8 children.

Tim Ross asked Ms. Pedatella what the maximum number of children she ever had at Half Pint Day Care Center.

Ms. Pedatella said they were licensed for 56 children in the inside building for infants. The out building for the school age children was 17 children in a 900 sq. ft. building. She only utilized half of the 900 sq. ft. building.

Mr. Triebel says it's a technicality in terms of enrolled and on site. The OFCS are there all the time making sure you have the right ratios to teachers and the number of children to sq. ft. They give you what you are allowed to have as a maximum in those rooms. You have to go by OFCS's regulations.

Tim Ross said the verbiage should be changed.

John Douglas said the Board is looking for the number of parking spots (9'x18'), the maximum number of employees at any one time on the property, the maximum number of children per shift for the outdoor play area and the maximum number of children on these shifts. The Board can then base everything on those numbers.

Tim Ross said we have the latitude. If you go to our definitions, enrolled is not in there which means any interpretation based on case law has to go in favor of the applicant. So in this case, "enrolled" means on the premises at any one given time. It isn't clearly defined. We, here, all think that "enrolled" means how many kids are you going to have on the property at any one given time. That's really how intense the use is on this property which is the whole intent of the zoning code.

Chairman Annas asked Mr. Triebel if he thought he would exceed 60 children at any one time.

Mr. Triebel said that if there is a possibility of having 70 to 75 children at the new site at any one time, they would like to have that because the nursery school may expand in the future. As it stands right now, there are no more than 60 children at Funshine Nursery School at any given time between both buildings that Funshine currently occupies.

Tim Ross asked that Mr. Triebel get numbers for the square footages of the main building; out building; play area; parking spots; Office of Child Family Services (OCFS) requirements, maximum allowed; and Red Hook Zoning Code, maximum allowed. These numbers will enable the Board to further discuss this. The Board can talk about the enrolled vs. the onsite, but it's the word "onsite" that's causing the issue.

Ms. Pedatella will also bring the Half Pint Day Care Center license and the papers that show the square footages of the four classrooms and what the occupancy can be in each one of those classrooms.

Tim Ross said, before the Public Hearing takes place next month, the Public Hearing announcement will be published for the maximum head count and to review parking and outside play requirements also.

Chairman Annas asked Ms. Pedatella if she had any problem with any Board members touring the property.

Ms. Pedatella said she didn't have any problem with that.

Ken Anderson asked the following from Ms. Pedatella: What the Half Pint Day Care Center is currently licensed for (head count) – what the figures are, so that it would give the Board some idea of what's permissible in the State of New York; and lastly, what her application was requested and was given a license.

Ms. Pedatella said she would get a letter from her licenser providing the information above.

Chairman Annas asked how often the New York State inspector drops by.

Ms. Pedatella told the Board that New York State, Dutchess County Board of Health, NYS Fire Inspector, DC Fire Inspector and the Town of Red Hook Inspector comes at least once a month unannounced. Licenses are maintained yearly.

Chairman Annas asked Ms. Triebel what age groups she would have at the new site.

Ms. Triebel said she will have toddlers, ages 18 months to 2 ½ yrs., 3 & 4 year olds and school-age children before and after school.

Tim Ross asked that Mr. Triebel compile the square footages for the attendance they expect would reflect the maximum density. That would be the useful information for any variance the board might grant, and would include a reasonable limit but never exceed NYS mandated requirements.

John Douglas asked that Ms. Pedatella get some documentation of what NYS requires for outside play.

Mr. Triebel offered to reword the application for the variance.

Tim Ross suggested it say, "We would like to operate under the regulations of OFCS".

Chairman Annas asked Ms. Triebel what her plans would be after purchasing the site.

Ms. Triebel said the school located at 30 Benner Road is now day care and she plans on moving this day care to the new location. Ms. Triebel would also like to move the Fisk Street facility to the new location as well.

Tim Ross suggested that the variance read "The applicants are seeking relief from Section 143-77A, B, & C such that they are in closer accordance with the requirements set forth by The Office of Child and Family Services, and that the total attendance shall not exceed 90 children on the premises at any one time. They further seek relief from the parking requirements. The site has parking for 15 vehicles, 1 for each of (10 Employees max.) and one for each 20 students (instead of one for each five students). resulting in a total of 15. They are also seeking clear verbiage in a variance stating the existing 10 foot side and rear yard setbacks from the outside play area are acceptable.

The Public Hearing is scheduled for Wednesday, May 14, 2014 at 7:05 p.m.

**ADJOURNMENT**

Chairman Annas made a motion to adjourn the meeting. The motion was seconded by John Douglas and all were in favor. The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Jackie Fenaroli  
ZBA Secretary