

Town of Red Hook
Zoning Board of Appeals Meeting Minutes (Draft)

March 11, 2015

CALL TO ORDER

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

ROLL CALL

Members Present: Nick Annas, Chris Carney, John Douglas, Jim Hegstetter, Kris Munn, Tim Ross, Trilby Sieverding

Members Absent: No Members were absent.

Also Present: Victoria Polidoro, Office of the Town Counsel

PRELIMINARY BUSINESS

Minutes of December 10, 2014, January 14, 2015, January 29, 2015: The Minutes were discussed at the end of the meeting.

Planning Board Minutes and Letters: Comments on the Planning Board Minutes were made at the end of the meeting.

Building Inspector/ZEO Permits, Memos/Comments: There were no comments on this matter.

Comments from the Chairman: Chairman Annas reserved his comments for the end of the meeting.

Chairman Annas moves to take the ZBA Meeting into Executive Session for the purpose of reviewing new documentation drawn up by Victoria Polidoro. John Douglas seconds, and all are in favor.

Chairman Annas moves to bring the Meeting out of Executive Session. Tim Ross seconds, and all are in favor. He also states that no decisions were made during the Executive Session.

PUBLIC HEARING

Appeal 14-10, Norman Greig application for an area variance to obtain a Special Permit for an Inn with an 80 seat restaurant on a town road (Pitcher Lane). Parcel already contains one Special Permitted use. *Section 143-39 C limits the number of Special Permitted uses to 1 (one) in the ABD zone.* The applicant's property is located at 160 Pitcher Lane in the ABD zoning district, Tax Grid #6273-00-896812.

PUBLIC HEARING

Appeal 14-11, Noman Greig application for an area variance to obtain a Special Permit for an Inn with an 80 seat restaurant on a town road (Pitcher Lane). Parcel already contains one Special Permitted use. *Section 143-39A requires egress and ingress on a state road.* The applicant's property is located at 160 Pitcher Lane in the ABD zoning district, Tax Grid #6273-00-896812.

PUBLIC HEARING

Appeal 14-12, Noman Greig application for an area variance to obtain a Special Permit for an Inn with an 80 seat restaurant on a town road (Pitcher Lane). Parcel already contains one Special Permitted use. *Section 143-93 B limits the number of seats in an Inn to 30.* The applicant's property is located at 160 Pitcher Lane in the ABD zoning district, Tax Grid #6273-00-896812

Chairman Annas asks for a motion to open the Public Hearing. Tim Ross moves to open the Public Hearing. John Douglas seconds, and all are in favor.

Chairman Annas outlines two issues the Board is examining regarding the Variance for the additional Special Use Permit on the parcel. The first regards the issue of whether it is an Area Variance, as stated in the Application, or in fact, a Use Variance, as counsel for Ms. Karakassis, argues.

The second issue regards whether or not there is way for the Applicant to achieve his goal, other than via an Area or Use Variance, such as a subdivision or a lot line adjustment on the parcel, which the proposed inn and restaurant shares with the airstrip. This would result in the parcel with the barn, for the proposed inn and restaurant having no Special Use Permit on it, thus eliminating the need for a Variance, for a second Special Use Permit.

The additional matter the Board intends to address is the SEQR Review of the Applicant's Short Environmental Assessment Form (EAF-S), Part I, in order to determine the completeness and validity of the information the Applicant has provided. Victoria Polidoro recommends taking comments from the public prior to this process, in order that the Board be informed as to the neighbors' and interested parties' viewpoints on the project, prior to the review.

Chairman Annas opens the floor to the public, and states, as a matter of procedure, that during the public comment period, comments are to be directed only to the Board, one speaker at a time.

Norman Greig asks if he should (re)present the project before comments from the public. Chairman Annas elects to have the Applicant summarize the project for the Board, and all in attendance.

Mr. Greig affixes aerial photographs, drawings and computer generated images to the large bulletin board in the room, and places it in front of the Board and members of the public. He discusses the history of the airstrip on his property. He operated his plane on the property for

many years with no permit, but when the new zoning in the ABD was created, he needed a permit, so he obtained one. During the process, he felt that the Town and others overestimated the amount of activity that the airstrip would generate. The airstrip crosses two parcels, one of which contains the barn to be converted to the proposed inn and restaurant. It is 35' wide and 2600' long – 2000' if the 300' displaced threshold at each end is accounted for, in accordance with the Town's requirement for roadway clearance. It is a sod grassway, which the Applicant mows, much like a lawn. Mr. Greig estimates that it occupies less than one acre of the 93 acres, which make up the parcel with the barn. He states that he takes off and lands less than once a week. He also states that one neighbor, who was vehemently opposed to the airstrip, has stated that he has no problem with it. Mr. Greig states that the airstrip's location is 2000' from the barn in question.

He next discusses the history of the barn to be converted to an inn and restaurant. The Greig family operated a dairy farm for 56 years, and brought all of the animals, that weren't milking, to the area around the barn, during the winter months – generally 40-50 animals. They were in and out of the barn, continually, so it operated as a winter feedlot. There were plows and hay in the barn as well. He indicates the area covered by fencing, and shows that it went around the yellow house, next to the barn. He states that it smelled. After the family sold the cows, the barn was used for 18 years as a summer day camp, with a different age group hosted every week, through the summer. Mr. Greig states that if he didn't educate the next generation, he would not be able to continue a normal agricultural practice, in the community. The barn has had no use since then. Mr. Greig states that he is taxed on the barn by square footage, and it is very expensive. He would like to use it for something, and respectfully suggests that his acre of sod, used for the airstrip, is not in conflict with his present proposal for an inn and restaurant.

Mr. Greig next addresses the second Variance, for which the Town requires ingress and egress on a State Highway, for an inn. Mr. Greig asks the Board to consider the fact that his family has operated a retail-direct, pick-your-own fruit business on his farm since 1952, which he currently operates. He explains that the crops are on a 10 year cycle, with 3 or 4 years of alfalfa, 2 years of wheat, and then they transition to intensive crops. He indicates an aerial photograph on the bulletin board, which shows the planted fields, and the linear parking lots, that run along the fields, for customers of the pick-your-own fruit business. He further clarifies that on the 93 acres, there were 40 acres of parking, sufficient for 2100 cars. He manages the parking in this way so as to spread the parking out over the entire space, in order to avoid congestion. It helps for the picking, and it has never been a problem in the neighborhood. Mr. Greig indicates, on the aerial photographs, an image that shows one of the linear parking lots when it is full of cars. He states there are 6 lanes in, and a paved ramp, since the Town does not want mud on the paved roads. He indicates that there is a parking lot that goes by the neighbor's house, that is next to the barn – the yellow house. He also indicates a 10 acre parking lot, and an additional 20 acres of parking on the aerial photographs. Mr. Greig compares the parking situation, with 6 lanes in and out, to the Jersey Turnpike.

Mr. Greig also states, in response to questions regarding water sources and wetlands, on the EAF-S, that every pond on the property is man-made. He states that the soils, on the property,

are glacial outwash, and so if he digs a hole, he gets a pond. When he opened the Garden Shop, he thought it would be nice for visitors to the farm to have a koi pond to see, while they were there.

Victoria Polidoro asks if the conversion of the barn, to an inn and restaurant, would impact the agricultural activities on the farm. Mr. Greig replies that it would not, and that though he had planned to use existing parking, at the Garden Shop, for the inn and restaurant, he could also locate the parking elsewhere on the property, if that was what the Board wants. He states that he has space for 2100 cars, and that the inn/restaurant would require parking for 48-52 cars, per day. In front of the Garden Shop, he estimates that there is room for 12-14 cars, and that he is amenable to parking the other required spaces in another location. In his Traffic Study, he indicates that the pick-your-own fruit business draws an average of 275 cars/day, throughout an 182 day season, with more cars on sunny, and/or cooler days, and fewer cars on hot, and/or rainy days.

Chairman Annas asks Mr. Greig from what data did he craft his conclusions. Mr. Greig replies that they are based on his gross sales. He knows what his sales, per customer are, via his register, and he determines how many cars are in his lots, based on his receipts. Tim Ross adds that the board would like to see estimates for standard car flows, per bedroom, in an inn, and for the restaurant. Mr. Greig replies that the Town requires one space for each room, in an inn, a space for every two seats in the restaurant, and a space for each employee. Tim Ross clarifies that a Traffic Study, based on traffic engineering algorithms, also provide trips per hour, and trips per day. Victoria Polidoro adds that the Board needs a standard, peak traffic flow for an inn with 14 rooms, and a restaurant with 80 seats, from an approved source for traffic flow engineering. Mr. Greig states that he has addressed the traffic issue, and that it is insignificant. Victoria replies that he needs to supply the numbers, and that it is for the Board to determine the significance of the traffic flow that the proposed inn/restaurant would generate. She also comments that Mr. Greig has had help in preparing the computer generated images he is presenting. She asks if he has a consultant, such as an engineer, helping him on this project. She states that this person would easily be able to generate the traffic numbers, the Board is looking for, for Mr. Greig. Tim Ross also states that the readily available traffic flow numbers, for various land use activities, are based on longstanding averages, and that they are pretty much accepted throughout the country. The Board wishes Mr. Greig to add this information to what he has already provided.

Chairman Annas asks Mr. Greig what traffic flow on his property looks like out of season, and states that though his current business is seasonal, the restaurant and inn will not be. Mr Greig replies that he does not anticipate that he will be busy year round at the inn/restaurant. His peak periods are spring, early summer, and fall. He states that local hotels have more customers at this time, and fewer, or none, at other times, during the year. He compares his proposed inn to the Gaslight Inn, in Upper Red Hook. Victoria Polidoro asks if increasing the number of seats from the permitted 30 will allow Mr. Greig an intensified use of the restaurant, for catering, for example. Mr Greig replies that he wants to have enough room in the restaurant, so that he can accommodate an anniversary party, or a birthday party, or something of that nature, inside, so it

won't have any effect on the neighborhood. He states that it makes it possible for the restaurant to survive. If he could only serve the inn guests in the restaurant, it would not justify having a high quality chef at the restaurant. He states that he does not want the person who is making the beds, also cooking the meals.

Richard Olson, counsel for the Petitioners in an Article 78 Proceeding, introduces himself and reads from, and summarizes a written document, he presents to the Board (see Exhibit A), including an ITE data statement from the Chazen Companies (a traffic study), Town Counsel, and the Clerk.

His points, discussed in the documentation he presents, are as follows:

The traffic study indicates a higher number of vehicles coming and going from the proposed inn and restaurant, than the Applicant states.

The statement from the property owner, Robert Greig, who resides in Paris, France, speaks of a Bed and Breakfast, with a small restaurant. Since it can be argued that a 14 room inn, and 80 seat restaurant are more than what is included in the owner's statement, is he truly aware of what is being proposed on the property.

There are assumptions being made on the SEQR short form, that are not backed up with evidence, such as a statement from Parks & Recreation, and other agencies, regarding the potential historic value, and natural features of the property. The SEQR form needs to be accompanied by this information. If there are wetlands, or significant historic aspects to the property, this would turn the action from Unlisted to Type I.

Mr. Olson also makes arguments in favor of the Board adopting a Use Variance, instead of an Area Variance for the additional Special Use Permit. Under the current proposal of 14 rooms and 80 seats, or the 50, which had been granted, Mr. Olson opines that the restaurant is no longer an accessory use to the inn. It would be a primary use. He also states that the impacts, measured over 360 odd days, instead of the current land uses, which, according to the Applicant, are in a 180 day cycle, with regard to noise, traffic, lighting and odors will be significant to the neighborhood.

Mr. Olson concludes that the Applicant can achieve his goal via other means. He has stated that he could do the inn with 10 rooms, and the restaurant with 30 seats. If he were to subdivide the property, he would not need the second Special Use Permit.

Mr. Greig asks if he can also use the Traffic Study, presented by Mr. Olson, for his purposes.

John Douglas asks Mr. Greig if he is asking for a Bed & Breakfast, or an Inn. Mr. Greig replies that he sees his project as a Bed & Breakfast, but that he was told by the Town Planning Board that he needed to classify it as an inn, if he wanted to have 14 rooms. He states that the original paperwork, that he submitted, classified it as a Bed & Breakfast. John Douglas asks Mr. Greig

when he filled out the EAF-S, since it states that the review is for a Bed & Breakfast instead of an Inn?

Victoria Polidoro has looked over the Owner Consent Form, submitted to the Planning Board, and states that the designation of Bed & Breakfast, the way it is worded, is fairly broad, but she wants to avoid any future problems. She asks Mr. Greig to obtain a more specific consent form, from the property owner, Robert Greig, that gives broader authorization, in order to encompass what he is actually doing. She also requests that the form include the ZBA along with the Planning Board. Mr. Greig replies that Robert works with him on everything, that he makes suggestions, and that Mr. Greig has had it drawn out the way Robert imagines it. He states that it is Robert's parcel, and that he makes it work for Robert. He also states that at the beginning he was calling his project a Bed & Breakfast, and had to change it to inn, due to his plan for 14 rooms. He notes that it still has 14 rooms, even if the categorization has changed from one to the other.

John Douglas confirms that the current EAF-S was presented to the Planning Board in September of 2014. He also discusses other information, presented by Mr. Greig to the Planning Board, and states that any information given to that Board, regarding the proposed inn/restaurant, should also be given to the ZBA.

Victoria Polidoro clarifies that the Town Planner asked Mr. Greig for more information in regard to SEQR, and that after Mr. Greig submitted this information, he has not yet heard back from the Town Planner. She raises the issue that the Board discussed at its January meeting, regarding whether or not the Board wanted to coordinate SEQR process with the Planning Board, or conduct an uncoordinated review, with both Boards conducting a parallel review. In general, Ms. Polidoro thinks the coordination process is more efficient, but in this case, the Planning Board has advised the Applicant that it does not want to do anything until the ZBA makes its decision. If that is the case, the ZBA would have to send Mr. Greig back to the Planning Board for at least an Environmental Review, before he can come back to this Board for a decision.

John Douglas asks Mr. Greig if he understands the Chairman's comments, at the beginning of the Public Hearing regarding the issue of Area Variance vs. Use Variance. Chairman Annas adds that the Board concurs that Mr. Greig may have another avenue to obtain his Special Use Permit for the proposed inn/restaurant. Mr. Greig replies that he does understand, but that he has no current plan, or wish to subdivide his property, or to move a lot line, in order to use a barn that already exists. He states that everything he does, including the present project, is related to farming, and that he will continue to farm. Mr. Greig sees no reason why the property should be subdivided. He also states that he would have to do a separate SEQR process for the subdivision or lot line change, and that he believes it is in the Board's power to grant him relief, without the change to his parcel. Jim Hegstetter comments that the lot line adjustment is not a drastic solution, and that the Board may have to defend its determination of an Area Variance or a Use Variance in court. The subdivision, or lot line adjustment would allow the Applicant to avoid having to seek this Variance for the additional Special Use Permit. Chairman Annas adds that the Variance issue, and whether the Applicant can seek relief another way, is only one issue.

Another one is whether an undesirable change will be produced in the character of the neighborhood, and whether there will be a detriment to nearby properties by the granting of the Variance. He notes that this will be a difficult test to pass. Mr. Greig notes that when the barn was a feedlot, the smell was very strong, and he didn't need a permit to do that. To which Chairman Annas agrees, but states that he must look at the project in light of the way the law is written.

Chairman Annas invites members of the public to comment. Persons commenting are, in order of statements, David Migdal residing at 152 Pitcher Lane – see Exhibit A.1 for his comments; Nicole Gill and John Deckoff, residing at 139 Pitcher Lane – see Exhibit B for their comments; Amy Dubin, property owner at 107 Pitcher Lane – see Exhibit C for her comments; Shelton Lindsay, residing at 289-293 Pitcher Lane – see Exhibit D for his comments; Kathleen Karakassis, wife of David Migdal, also residing at 152 Pitcher Lane – see Exhibit E for her comments; and Don Triebel, residing at 7714 North Broadway and 7317 South Broadway – see Exhibit F for his comments. Linda Keeling, residing at 238 Pitcher Lane – see Exhibit G for her comments.

Chairman Annas invites Mr. Greig to respond to the comments. Mr. Greig states that he had to go through the FAA and the DOT to get the permit for the airstrip. Since his airstrip now shows up on aviation maps, pilots drop in to see it, without an invitation. The trailer on Mill Rd. belonged to an employee of his, who asked to put it on the lot. He states that his proposal is not a commercial use, and that he is not building anything, but converting an unused barn to maximize its use, so that the farm can continue to operate. He further explains that his farm is a destination, and that most of the people who come there are not casual passersby. He states that if he did not run a high quality operation, he would not stay in business. He already does weddings at the farm, which take place more than 1000' from any neighbor, but nobody knows it. He speaks about the property on Route 9, that he recently acquired. It had been run down, and he is fixing it up, but has not finalized any plans for it yet. He concludes with the statement that his living depends on Pitcher Lane being attractive and picturesque. He states that if nobody wants traffic on Pitcher Lane, he can put it all on Rockefeller Lane, since the parcel can be accessed from behind the barn.

Kris Munn asks if the SEQR process will be based on 10 rooms and 30 seats, or 14 rooms and 80 seats, or 14 rooms and 50 seats, based on the Variances that are, temporarily, in suspension. The Board, Mr. Greig, and Victoria Polidoro discuss this, and decide that the SEQR Review will be conducted for the maximum number of rooms and seats Mr. Greig is requesting. Chairman Annas asks for a motion. Tim Ross moves to classify the Action as Unlisted, and to proceed with an Uncoordinated SEQR Review. Trilby Sieverding seconds, and all are in favor.

As a result of the SEQR process, regarding Part I of the EAF-S, the Board requires that Mr. Greig submit the following:

1. A list of all of the agencies requiring a permit and approval, along with said permit or approval, for the project, including, but not limited to The Planning Board, The Building Department, and the Health Department.
2. Area of physical disturbance, in square footage, for creating the proposed inn/restaurant, including, but not limited to the parking lot, the parking lot, wastewater treatment infrastructure, and landscaping.
3. The total acreage, including the project site, and any contiguous properties, owned or controlled by the applicant or project sponsor.
4. All land uses occurring on, adjoining and near the property, including, but not limited to Agricultural, Commercial and Rural Residential.
5. A statement that the proposed action is a permitted use under the zoning regulations, with the Variances.
6. A statement that the proposed action is consistent under the comprehensive plan.
7. For points 6, 7, 12, 13, 15, and possibly 19 on the EAF-S Victoria Polidoro suggests that Mr. Greig utilize an online version of the form from NYS DEC, along with his Tax Grid number to mine the state databases for the information required.
8. Is related to the Traffic Study, which Mr. Greig has been asked to produce.
9. Illustrate any aspects of the project which will meet or exceed NYS Energy Code Requirements
10. Provide information on his water supply for the project
11. Provide information on his wastewater treatment plan that would be submitted to the BOH
14. Indicate site specific habitat types, including, but not limited to agricultural/grasslands.
16. Provide maps for the 100 year floodplain.
17. Calculate stormwater runoff, based on the addition of impervious surface cover. Include -- any and all containment and infiltration measures.
18. A statement that the proposed action will not include construction or other activities that -- result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, --- dam)

Tim Ross moves to continue the Public Hearing, as the Board awaits further information from the Applicant. Chairman Annas seconds the motion, and all are in favor. The Board also decides that the April Agenda will have the Public Hearing for Campbell 15-01 first, the Review of Appeal for Bard College 15-02 second, and the continuation of the Public Hearing for the Greig Applications 14-10, 14-11 and 14-12 last.

Review of Appeal

Appeal 15-01, Helen Campbell, Elizabeth Dill, Kerri Campbell Luftman application for an area variance to erect a five (5) foot three and a half (3½) inch addition on the north side of dwelling,.nine point seven five (9.75) feet from the side property line. Section 143-13 A (4) states that the total for both side yards for the principal building shall be not less than 40% of the lot width; provided, however that no single

side yard for a principal building shall be not less than 60% of the minimum side yard otherwise required for the district, in this case, twenty-one (21) feet. Section 143 Attachment 2 District Schedule of Area and Bulk Regulations states that maximum building coverage allowed is 7% of parcel. Applicants' proposed building coverage is 9% of parcel. The Applicants' property is located at 147 Country Club Dr. in the RD3 zoning district, Tax Grid #6372-19-685093.

Don Campbell, husband of Helen Campbell, is representing the group of Applicants, and summarizes the proposed addition to their summer home. He states that the purpose of the project is to create a full bathroom. The home was built by his grandfather, in 1926, and has only had a sink and a toilet since then. He also states that [Dutchess County] Parcel Access may list it as a full bathroom, but that it is not. They first intended to add just a shower and a tub, but then realized they would have room for a hot water heater, add some space to one of the bedrooms, and to the existing porch, if they expanded along the entire length of the house. The hot water heater will be on the far side of the bathtub, in it's own space, with access on the exterior of the house. The Board asks the Applicants what various areas are, represented in the floor plans and elevations they have presented. Tim Ross asks if the lot line they would be getting close to is well defined. Don Campbell replies that it is, that there are piers and pins to indicate it. Helen Campbell also states that their neighborhood association has approved the project. Tim Ross recommends that they bring this approval letter to the Public Hearing. Jim Hegstetter suggests they bring in any statements from neighbors, especially if they are in favor of the project.

Chairman Annas explains the Public Hearing process, and the certified mailing of Public Notices to all neighbors within a 300 foot buffer. Karen Campbell gives a check in the required amount to the Clerk, who hands her a memo of receipt from the Board, in the amount she has paid. Chairman Annas informs them they will be first on the Agenda for the April 08, 2015 ZBA meeting.

Chairman Annas moves to accept the December 10th, 2014 Minutes. Jim Hegstetter seconds, and all are in favor, with Kris Munn abstaining.

Jim Hegstetter moves to accept the January 14th, 2015 Minutes. Tim Ross seconds, and all are in favor, with Kris Munn abstaining.

Tim Ross moves to accept the January 29, 2015 Minutes, Chris Carney seconds, and all are in favor, with Chairman Annas and Kris Munn abstaining.

There are no comments from the Board on the Planning Board Minutes. Chairman Annas asks if everyone is getting the Planning Board Minutes. He notes that Patrick Murphy is before the Planning Board, and may make the required modifications to his Accessory Apartment. Anne Rubin states that she has added a Planning Board document to his file, that shows the measurements of the structure, completed by a registered architect. Since the habitable space is excluded from these measurements, the structure is in compliance, and needs no Variance at this time.

Trilby Sieverding moves to adjourn the meeting. Jim Hegstetter seconds, and all are in favor

EXHIBIT A RICHARD OLSON ESQ.

Mr. Olson's written comments are available via FOIL request from Town Clerk Sue McCann.

EXHIBIT A.1 DAVID MIGDAL

David Migdal. I live at 152 Pitcher Lane.

Chairman Annas: Relative to that structure [the Greig barn] you are where [indicates aerial photographs on bulletin board]?

Kathleen Karakassis: Actually, the map underneath [on bulletin board] shows it better.

Norman Greig indicates the house in question, and Chairman Annas asks him to remove some of the photographs from the bulletin board, in order to better view the Migdal-Karakassis property, and its proximity to the proposed inn and restaurant. The Board identifies it as the 'yellow house'.

David Migdal: I'm in the yellow house, and this is my wife [indicates Kathleen Karakassis], who shares the yellow house with me. I want to comment on the prior discussion [December 10, 2014 Public Hearing] by Norman and the ZBA members. In that discussion, Norman complained about rising taxes on the parcel connected to the barn, and I thought that the Board was very persuaded by that. That tax fairness was a real issue [for the Applicant and the Board]. As far as I can tell, the parcel is owned by Norman's brother, it's 93 acres. It has a tax exemption, a 41720 tax exemption. On the latest public tax roll, the tax on the entire 93 acres is \$7000.00 a year. The Town tax is \$1,947.00, the School tax is \$4,959.00. That is more than offset a million different ways. There are two rental units on the property. Just one is over \$7000.00 a year, and there is another one. There is also the nursery. There are also the 93 acres, which are being rented out and farmed. In contrast, for my house, the taxes are over \$10,000.00. So if this is a tax fairness issue, the damage to my house should be taken into account.

There is a question as to how the property will be used. Will it be used really as a small inn, which is certainly one thing. An inn with a small dining room – [this] is an understandable thing, and it is what the Zoning Board referred to. Or, is it an event center – which Norman refers to to? Yes, he'd love to have events, but he doesn't quite come out and say "This is a wedding events center". The question for me is, is that the intention? I think that should be the question for the Board, because the question is what are you permitting? Are you permitting, if you permit something, what you think you are permitting? And as to that, it's partly a question of how the Board words its decision, or the decision it makes. It's partly a question of the Applicant.

Norman, in 1979, installed a trailer on his property, on Mill Road, less than 100' from the property line, in violation of the zoning law. Only after it was built, and after the zoning officer cited the violation, Norman applied for a Variance, and the Variance was rejected. In just the last year, Norman operated his Farmer's Market for months without the required Special Use Permit. Even after the Permit was issued, he continued to violate his Permit. He has placed three temporary sandwich boards along Pitcher Lane, and these have been in place continuously for months. The Permit does not allow this. The Permit allows selling only locally, or regionally produced items, yet he has olive oil for sale. Olives are obviously not grown in the Hudson Valley. He has coffee for sale. We don't grow coffee. All of this in direct competition with the local businesses, which do pay taxes – which don't have this Farmer's Market exemption. So these are not "form" violations, these are serious violations. He is allowed to put up a single identity sign on the building, not bigger than 12 feet. There are at least two right now. Both appear to be bigger than 12 feet. He allowed illegal food trucks to be placed on the property - "Organic To Go", "Papa's Best Bet BBQ". Food trucks seem to fall under "Fast Food Establishments" [in the Town Code], which are not permitted in the ABD district [sic].

In a separate matter, according to a DEC inspector, Beverly Whalen, it was recently, or still is he was in Red Hook Criminal Court for violating New York State DEC statutes for building a roadway over wetlands.

For me, as a neighbor, Norman came to this Board, and I came and sat in on the Airstrip violation, and I made no comment. I did not object at all. Norman said he wanted that airstrip, because his family had always used that airstrip. The one that was there, for agricultural purposes, not more than about once a week, to spread seeds, is the maximum use. And that sounded entirely reasonable to me, and he was granted that [Special Use] Permit. My office – I work at home, looks out a window, directly at the airstrip. It wasn't a long time after [the granting of that Permit], it was immediately after – as soon as it was warm enough to fly, there were as many as 7 planes landing and taking off on a single day, not one a week, but 7 a day. At one moment I looked out, and 5 planes had landed and taken off within, I don't know, they came in and went out in an hour. The violations were continuous. We went to the Town, repeatedly, and it stopped, it did stop, but it took going to the Town repeatedly. And my point is this, the reason I made no objection, is because Norman said "what I intend to use this for, is what I've always used it for - to spread seeds, at most, once a week". That didn't appear to be what he meant, when it started.

The question of the impact depends, in part, as I've said, on Norman, and [it] depends, in part, on what the Board permits, and how the Board permits it. There are – a question to ask, what is the plan for the green houses and the Garden Shop building? The Zoning only allows one principal building or use, on a parcel, in the ABD district [sic]. Will somebody be using the green houses for plants? What will the Garden Shop be used for? Are they going to become outdoor event spaces, generating additional traffic? How will the rental unit behind the barn be used? It's shown on the plan as part of the inn, but there is no indication of its use. How will the entire premises be landscaped, including around the pond, with the pathways to the observation deck, over the pond? Last summer heavy equipment removed all of the foliage from around the pond

leaving it bare. Will a swimming pool be built, and where? What is the plan for the field between the access drive and my property? Won't that require grading or planting, if not fencing for mitigation? [There is] a question, which I think the Board has referred to, who is creating the site plan drawings – they have no draftsman or architect's name on them. How does one know that the scale is correct?

We think the Variances should be revoked. If they are not, we ask the ZBA to make a more diligent examination of what the parcel will be used for, and to carefully word any Variance to avoid allowing unintended uses, as an event venue, as a wedding event venue, in particular. Especially one with outdoor activities. Thank you.

EXHIBIT B NICOLE GILL AND JOHN DECKOFF

Nicole Gill: Hi, my name is Nicole Gill. I live right across the street from the barn. I'm in the white house [indicates on aerial photographs, on bulletin board]. She presents a letter and photographs to the Board, which she summarizes. [See Exhibit B]. Ms Gill's written comments are available via FOIL request through Town Clerk Sue McCann.

John Deckoff, Nicole Gill's husband, speaks next and has a question: Most businesses fail and life is full of failed businesses. It's a carrot field [the parcel in question]. It's got no views of the mountains, or the river, [so], if it runs out of money after one and a half or two years, and a couple of million dollars, is there any obligations to make it look normal again, versus a kind of construction site that was kind of half finished, and somebody pulled the plug on it? And then I stay there for 10 years, just kind of staring at a construction site, and somebody has wasted two million bucks? So is there any recourse, then, for not making it look like a semi-finished product.

EXHIBIT C AMY DUBIN

In addition to her written comments, Ms. Dubin argues that with the Farmer's Market, and the proposed inn and restaurant, the Town is seeing a gradual commercialization of the AB district, which was not intended in the zoning that created the district. She identifies weddings as a growth industry in the Hudson Valley, and cites examples of local and regional wedding businesses. She states that the Greig's are no longer farming the land, themselves, and that they are looking to get into the wedding/event business. She opines that granting these Variances will negatively impact what the Town is trying to preserve in the ABD, and on Pitcher Lane – farmland and history. She owns a Dutch house on Pitcher Lane, which she had evaluated historically and socially. This evaluation shows that, historically, there were three families who owned Pitcher Lane, and that it has always been tied to agriculture. Ms. Dubin's written comments are available via FOIL request through Town Clerk Sue McCann.

EXHIBIT D SHELTON LINDSAY

Shelton Lindsay: My profession is a sound designer. One of the things I wanted to address is the traffic on Pitcher Lane, because when we moved there – we've owned the house since 1998 – but we've only lived there for the last three years. One of the things I've noticed in moving from a very quiet home, in the Village of Rhinebeck, that was the last house in a wooded area, was the road noise. And the road noise on Pitcher Lane is from about 5:30 in the morning, to about 8:30 in the morning. It's the most traffic. There are trucks. There are commercial vehicles. The other morning, there was a city bus that went down there. There is the normal traffic with the [highway] maintenance vehicles of the Town, and snow plows and such. Over the summer months, when the farm is in full swing, it's very modest traffic flow, in my opinion. I also work from a home office. And I can say that having the farm active and prosper is in our community's best interest. And supporting the concept of a well-defined, and well-laid out plan, for an inn, makes logical sense, because we want to see the farm to continue for years to come. Everyone knows, that in order for that to be a viable industry, there needs to be enough cash flow to make it happen.

And on the subject of a wedding chapel, or whatever, I haven't heard anything, in any of Norm's plans for that. I think we can hypothecate [sic] all sorts of horrible scenarios, but I think that if we come together as a community, and as a road, we can structure this in a way which is beneficial to the farm, and is not as big a problem as is being projected.

EXHIBIT E KATHLEEN KARAKASSIS

Kathleen Karakassis, wife of David Migdal, and resident at 152 Pitcher Lane, presents a written document, and photographs, to the Board, which she summarizes. [See Exhibit D]. She also remarks that nobody objects to the sod of the airstrip, they object to the planes taking off and landing, which has been resolved, but she and her husband were forced to make the complaint. That is what she and her husband are concerned about, regarding the restaurant and inn [the fact that they had to complain about violations in connection with the Permit]. Beyond the points listed in her letter, she quotes Mr. Greig, who at the 12/10/2014 ZBA Public Hearing, on the project, stated he would not be running the inn and restaurant. She opines that he will rent or lease it to an industry professional, who will maximize seating at the restaurant, and occupants at the inn. She further requests that any Variance granted should be expressed in terms of a ratio of rooms to seats, and discusses this further in her letter to the Board. Ms. Karakassis' written comments are available via FOIL request through Town Clerk Sue McCann.

EXHIBIT F DON TRIEBEL

Don Triebel: Resident at 7714 North Broadway, and 7317 South Broadway, in Red Hook. My family has been in Red Hook for 100 years. I've been here most of my life, and I'm over 50. I've known Norman a lot of years, and you guys have legitimate concerns, and I understand where you are coming from, but when you talk about people walking, and I think of Norman's mom, walking on that road for a lot of years – I look at the Greig's, and what they've done with the farm, and how they have helped bring people in to the community that didn't know about us before, by picking strawberries, or picking apples. [The Greig Farm is] probably one of the first farms I know of, that had you-pick apples. Would we like to see a lot of changes that are,

maybe, derogatory [sic] to something? No. But we don't want to see farms like Fraleigh's out there, that has a sign on it, that says "For Sale". And John Feller, what are they going to do up there on that road, where there are farms that have gone out of business? What Norman has done with the farm, and what his family has done with the farm – in my opinion, everything he's done with it has made it look better. He's made it more appealing to the public, and they've brought tourism. That's about all I'm going to say.

EXHIBIT G LINDA KEELING

Linda Keeling: Resident at 238 Pitcher Lane. Five acres under Section 143.93 e of the Town Code states that 5 acres should be set aside for an inn.

John Douglas: He's on 93 acres.

Linda Keeling: An inn requires 5 acres.

John Douglas: Well this is 93 acres.

Chairman Annas: He's not going to disturb the whole 93 acres.

Linda Keeling: He needs to set aside 5 acres.

Victoria Polidoro: We're just talking about the physical disturbance.

John Douglas: You're talking about 2 different things.

Tim Ross: We're talking about what [acreage] is physically disturbed on the site [not how much acreage is required] – is the question. We're just being prudent. [There may be] things we need more information on.

Ms. Keeling's written comments are available via FOIL request through Town Clerk Sue McCann

