

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

April 08, 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 and Tim Ross, Town Board Liason.

PRELIMINARY BUSINESS

Minutes from March 11, 2015: There were no comments on the Minutes of March 11, 2015. Jim Hegstetter moves to adopt the March 2015 Minutes, Kris Munn seconds, and all are in favor.

Minutes from March 27, 2015: John Douglas comments that the March 27th Special Meeting Minutes need to state that Town Board Liason Jim Ross was present, and the time the meeting ended. Jim Hegstetter makes a motion to accept the Special Meeting Minutes with those revisions. Kris Munn seconds the motion, and all are in favor.

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

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

Comments from the Chairman: Chairman Annas notes that Dutchess County Planning Federation is offering a ZBA Overview Training, at the Dutchess County Cornell Cooperative Extension, on Tuesday, April 14th, 2015. He asks if the Board members are receiving notices regarding training sessions. The Board members state they have.

REVIEW OF APPEAL

Appeal 15-02, Jeffrey Katz on behalf of Bard College application for an area variance to construct a new 1600 sq. ft. (40' x 40') single story structure on the existing footprint of the demolished Annandale House for use as a media building, with a front yard setback of 45 feet. Section 143-48 B(1) requires an increase of 100% of District Setback, for a total of 200 feet, for the Scenic Corridor Overlay. Section 143 Attachment 2 District Schedule of Area and Bulk Regulations requires a setback of 100 feet in the required front yard, for Zoning District I. The applicant's property is located at 1399 Annandale Rd in the I zoning district, Tax Grid # 6173-00-400720

At 7:10pm Chairman Annas invites the Applicant to present a complete overview of the project. Jeffrey Katz, representing Bard College, presents a map, site plan and renderings to the Board. He indicates the location of the proposed Media Building on the Map. He indicates the location in relation to the [Stevenson] Gym, and shows Chairman Annas, who has asked him to indicate it, the location of Annandale Rd. on the map. Chairman Annas also confirms with Mr. Katz, that there will be no changes to the setbacks, in relation to those utilized by the now demolished Annandale House.

The Applicant also provides pictures and aerial photographs of the defunct Annandale House to the Board. Tim Ross confirms with Mr. Katz that it was originally constructed, all at one time, as barracks. He further clarifies that Bard College decided to tear them down. The floor plan he presents to the Board is a 40' x 40' square, which he explains is misleading, due to roof lines extending downward. He states that it is more like 1000 square feet. He describes the proposed Media Center as a structure built of four shipping containers, with two on the top and two on the bottom. The idea is to reuse existing materials to save money, since there is not a lot of money for the project, as well as a teaching tool for the students in the Environmental Studies Program, regarding what future building on the campus might look like. The chosen location has the advantage of already existing utilities and proximity to the main flow of traffic on the campus.

Chairman Annas inquires if the Applicant is aware of the rules regarding rebuilding in a location that once housed a structure? He is wondering if there is any option of grandfathering it in. He notes that he has seen shipping containers reused, adaptively to create dwellings, and they seem to be pretty nice. Tim Ross explains that the Annandale House went up prior to the adoption of zoning in the Town, but it has been more than 18 months since it was demolished, so the proposed structure would not come under reconstruction. Tim Ross and Chairman Annas ask the Applicant for details on the roof and to further describe the plan to utilize shipping containers for construction. Tim Ross identifies the issue for the ZBA is the setback from the road. Chairman Annas asks if the setback is the stated 45', and if it is established by survey. Mr. Katz affirms on both counts. He further states that from the center of the road, it is 61' to the proposed building location. Kris Munn asks the Applicant if the footprint of the demolished Annandale House is on the Site Plan and/or map, and if it is the only building on the site. Mr Katz replies that it is.

Mr. Katz notes that his working group has considered several different designs. The original design was three containers across, and one on top, with a green roof that extended 10 feet down on either side. He notes that this design, however, was too expensive. He describes the shipping containers as measuring 8' x 8' x 40', or about 600 square feet of surface area per floor. He further notes that the shipping containers will be painted marine gray, that the roof will be a rubberized flat surface, and that vertical gardens are planned for the walls. He further clarifies that the building will need some basic finishing, and that the

containers will have to be cut out on the inside. He comments that it costs considerably less to buy one that is already designed, and that they have found some companies that do this. In the rendering he presents, there are large windows on the side facing the street. He identifies the main issue for Bard College is whether or not the proposed program will fit into 900 square feet.

Chairman Annas asks if the rendering the Applicant has presented to the Board is what Bard College intends to build. Mr. Katz replies that it is. He states that the windows facing the road will make the space more inviting. John Douglas notes that the 900 square feet is 700 square feet less than the Applicant is requesting on the Application. Chairman Annas outlines the ZBA procedure for setting a Public Hearing date. He notes that every applicant covers the cost of certified letters **mailed to** neighboring property owners. Anne Rubin gives Mr. Katz a memorandum of receipt in exchange for payment. Chairman Annas places the Applicant first on the agenda for the May 13th, 2015 ZBA meeting.

PUBLIC HEARING (Continuation from March 11th, 2015)

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.

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.

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

At 7:21 pm the Board continues the Public Hearing from March, 11th, 2015.

Chairman Annas invites the Applicant, Norman Greig, to present any new materials he has to the Board and the Public. Mr. Greig presents an engineering report by Richard Rennia Jr. of Rennia Engineering Design, PLLC, which includes a NYSDEC Environmental Resource Map, a Cultural Resource Information Map, and a National Wetlands Inventory Map. According to this report, no environmentally sensitive or historically significant areas are identified on the project parcel. The Applicant also presents photographs of a neighboring house, owned by Amy Dubin. He states that the house has not been maintained in twenty years, and that with his own project he is hoping to keep his own buildings from falling into disuse. Mr. Greig states that he plans to move the current driveway and parking for the Garden Shop, to the West, in order to mitigate impacts to his neighbor across the street. Mr. Greig also presents an updated and revised iteration of the SEQR EAF-S to include the information requested by the ZBA at the March, 2015 Public Hearing. He states that none of the project will involve alterations to the area exterior to the adaptive reuse of the barn. Specifically, no exterior lighting will be added, and the

existing lighting would be shielded to provide improved night sky visibility to the guests; no additional impervious surface cover, in the Garden Shop parking area – the current surface is gravel; no new drinking water wells will be drilled, and the existing wastewater treatment infrastructure will be slightly expanded to BOH requirements. Mr. Greig also characterizes the soil type on the parcel as Item 4, mineral soil, excessively drained. He states that he currently has parking, along the fields within the parcel, for the pick-your-own fruit business he operates. Neighbor Linda Keeling, of 238 Pitcher Lane, asks how many parking spaces the project will provide, and if there will be handicapped accessible parking. Mr. Greig responds that there would be 50 – 67 parking spaces, according to the number of seats the proposed restaurant would be permitted, and that handicapped accessible parking would be located in the area closest to the building, immediately adjacent on either side. The area would be identified with a sign, but would not include stripes painted on the parking area surface. John Douglas clarifies that the present project would have to conform to the 2010 NYS Building Code, and identifies past Building Codes.

Neighbor Nicole Gill, of 139 Pitcher Lane, wants to know if the parking area and driveway are moved to the west of their current location, will the road, and the lane, that is not part of the parking area, be paved, and what the extent of changes to the current wastewater infrastructure will be to accommodate a 14 room inn with an 80 seat accessory restaurant. She opines that the actual disturbance, resulting from the project, will be great and asks the Board to consider what it would mean to live at her location, with potentially hundreds of cars, and headlights sweeping across her property. Chairman Annas asks the Applicant if he would be able to enlarge the vegetative buffer between his property and Ms. Gill's, to which Mr. Greig replies that there is already full vegetative screening between the Garden Shop parking lot and her property, that it is 15' – 20' high. Ms. Gill states that her home is three stories high, and that she does not feel screened from the parking lot.

Chairman Annas states that the BOH will establish the criteria for the septic lines, and that it will be all underground, and covered with vegetation, and likens this activity to plowing an acre of land. Tim Ross adds that expanding the current wastewater treatment infrastructure will probably involve less disturbance than when Mr. Greig plows his fields. Mr. Greig states that he does not plan to use the lane that is not part of the parking area, and that if he does not receive a permit to access the proposed inn and restaurant from Pitcher Lane, that he will apply for ingress and egress on Rockefeller Lane, since there are fewer houses there, and that the driveway, in that instance, would extend to just west of the Garden Shop entrance.

To better identify the potential area of disturbance, Chairman Annas, asks the Applicant to illustrate to the Board the difference between what is currently occurring on the parcel, compared to what is proposed in the Agritourismo project. Additionally, he asks the Applicant what will happen to the greenhouses and the two rental units on the parcel. Mr. Greig states that the greenhouses, currently oriented East - West, will be moved to a North – South orientation. He also specifies that the greenhouses will be used to grow herbs for the restaurant and for sale, as an interpretive portion of the farm experience for the guests. Mr. Greig states that the rental unit closer to the roadway will house the reception area for the inn and restaurant, and the one to the rear of the barn will house a laundry and maintenance facility.

Tim Ross and Kris Munn request that the Applicant provide hard data, from an engineer regarding expected area of disturbance from created roads, septic, landscaping and any other changes to the parcel which would result from adaptively reusing the barn and rental units to create the inn and restaurant. Victoria Polidoro asks the Applicant if the Site Plan he originally provided was to scale. Mr. Greig replied that it was.

The Board also asks Mr. Greig for a BOH approved septic plan, which the Applicant states he cannot provide until he knows for how many seats the restaurant will be approved.

Kathleen Karakassis, of 152 Pitcher Lane, argues that it is improper to grant an Area Variance for a second Special Use Permit on the parcel, since only one per parcel is permitted, in the ABD. She states that the Board should be looking at Appeal 14-10, as a Use Variance. She also opines that the area of disturbance, resulting from moving the greenhouse, the driveway, adaptively reusing the barn and two rental units, and creating landscaping to mitigate impacts to the neighbors will involve 2.5 acres, or more of disturbance, and, therefore, require a different type of SEQR review. In regard to the ZBA test as to whether the Applicant can achieve his/her goal via alternative means, she quotes the December 10, 2014 ZBA Minutes, in which the Applicant states that he could do the project with 10 rooms and 30 seats, if that is where he ends up. She interprets this statement to mean that the Applicant has already told the ZBA he does not need a variance. She reminds the Board of its obligation to grant the minimum variance necessary. She notes that the Board does not have an Owner's Consent Form from Robert Greig, and that the Board cannot grant the variances without it. Victoria Polidoro clarifies that the Board did receive an Owner's Consent Form, but are awaiting a copy with the owner's original signature. She further states that she is ok with the updates to the EAF-S and Owner Consent Form, since the originals characterized the project as a Bed and Breakfast, with an accessory restaurant, and the current project is characterized as an inn with an accessory restaurant, due to the fact that the project proposes more than 10 rooms. Mr. Greig states that it is being mailed from Paris, France, where the owner, Robert Greig, resides, and that the Applicant will present it to the Board when it arrives. Ms. Karakassis also states that the Applicant has provided no supporting data regarding compliance with energy requirements. She also argues that references by the Applicant regarding neighbor Amy Dubin's property are irrelevant to the matter at hand. She argues that, in consideration of the ZBA test, that the benefit to the Applicant outweighs detriment to the neighbors, the proposed project does not pass this test. She states that the Applicant has, so far, provided no information on Robert Greig, but that she knows he is a partner in an international law firm, residing in Paris, France, that he owns 7 parcels in the Town of Red Hook, with an assessed value \$3,826,000, and that whatever the profit from this enterprise, he is already a wealthy man. She states that income is not a priority for Applicant Norman Greig, since his first priority was to use his single, permitted, Special Use Permit for a non-income producing airstrip. She concludes by stating that whatever profit is generated from this proposed use, the detriment to the neighbors, in terms of lost privacy, disturbance from noise and traffic, and significantly lowered property values is far greater.

Norman Greig comments that an acre of strawberries would generate 50 cars in the 1960s, when his typical customer would purchase 100 pounds of fruit to can and freeze. He compared this to the present, typical customer who would only purchase 10 pounds of fruit, since most do not can or freeze it. He states that an acre of strawberries generates 500 cars today, and that his parking capacity for the pick-your-own business is 2100 cars. He concludes that the proposed inn and restaurant will generate traffic, but that it is inconsequential compared to the fruit business. Victoria Polidoro asks if the numbers represented in the Traffic Study presented by the Petitioner of the Article 78, and also used by the Applicant, represent a significant impact to the neighbors. She remarks that the study refers to peak traffic hours on a weekday, and wonders how this compares to the weekend. Tim Ross comments that even 68 trips on that road is a small percentage of the total. He also asks Town Board Liason, Jim Ross, if there is any, existing Town or County traffic data for Pitcher Lane.

Neighbor Celene Trucchetti, of 77 Pitcher Lane, remarks that she is a former Red Hook farmer, from that neighborhood, who has concerns regarding the traffic, which is already voluminous and high speed on

Pitcher Lane. She wonders if potential guests will fly in to stay at the inn. She also wonders how this enterprise will affect taxes, and whether it will be assessed as a commercial business, or have an agricultural exemption. Mr. Greig states that the exemption is only on the land.

Dave Bard, a neighbor whose property is adjacent to the project parcel, does not think the potential guests at the restaurant and inn will create a traffic problem on Pitcher Lane. He notes that residents drive much faster than the tourists, who are there to enjoy the scenery.

Linda Lindsay, of 289-293 Pitcher Lane, a Real Estate Broker, comments that there will be impacts to the neighbors, but that the barn was there before the present, closest neighbors bought their homes, and that commercial activities on Pitcher Lane were already in operation when they bought their homes. She states that the community must work together to preserve farms in Red Hook, and that she would prefer an inn and restaurant over a bunch of new houses, on Pitcher Lane.

At 8:18pm Tim Ross moves to continue the Public Hearing on Applications 14-10, 14-11, and 14-12 to the May 13th ZBA meeting, to be placed on the agenda after the Public Hearing for Application 15-02 Bard College. Trilby Sieverding seconds the motion, and all are in favor.

Chairman Annas wants to review the SEQR EAF-S with the Applicant to determine if any additional documentation is required from the Board. Victoria Polidoro states that the Board would only review Part I at this time, and that it will make its determinations in Part II at the next meeting. The Board reviews Part I of the EAF-S, and as a result of this review, requests New York State or Dutchess County traffic data for Pitcher Lane, the Owner's Consent Form, with an original signature, and hard data from an engineer regarding the calculation of the maximum area of disturbance.

At 8:34pm Jim Hegstetter moves to adjourn the ZBA meeting. Chris Carney seconds, and all are in favor.

