

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

February 10, 2016

**CALL TO ORDER**

The meeting was called to order at 7:02 pm by Chairman Nick Annas

**ROLL CALL**

Members Present: Chairman Nick Annas, Chris Carney, Tim Ross, Kris Munn, Jim Hegstetter, Chris Klose, and Doug Lee

Members Absent: No members are absent.

Also Present: Victoria Polidoro, counsel for the Town of Red Hook ZBA. Leo and Trilby Sieverding, applicants for a variance, Norman Greig, an applicant for an interpretation, Mark Van DeCarr, of the Poughkeepsie Chapter of Sports Car Club of America (SCCA), Jarvis Wilky, of Staatsburg, NY, and participant in motorcross rally sport, Debbie Donahue-Gillen, a neighbor of applicant Norman Greig, Tom Murphy of Cold Spring, NY, and participant in motorcross rally sport, Amy Dubin, a neighbor of applicant Norman Greig, Mark Long, resident of Red Hook, NY and participant in motorcross rally sport, Steve Cegelka, a neighbor of applicant Norman Greig, Linda Keeling, a neighbor of applicant Norman Greig, Mary Orapello, resident of Kingston, NY and realtor at Murphy Real Estate Inc., Melanie Wen-Mei Shih and Eric Freeman, applicants for an interpretation.

**PRELIMINARY BUSINESS**

Minutes from January 13, 2016

At 7:05 pm Chairman Nick Annas asks for a motion to approve the Minutes from the December 09, 2015 ZBA meeting. Kris Munn so moves, and asks for discussion, Chairman Annas seconds the motion and asks for comments. Kris Munn notes an error on page three, paragraph one. The minutes should read "Chairman Annas asks the applicants if they can place *snow accumulations from plowing [instead of 'the proposed structure']* across the street...". At 7:06pm the Board votes unanimously on approving the January 13, 2016 Minutes, with the above named revision, with new Board members, Chris Klose and Doug Lee recusing themselves, as they were not present at the January meeting.

Planning Board Minutes: There are no comments regarding the Planning Board.

Comments from the Chairman: Chairman Annas introduces new Board members, Chris Klose, replacing Trilby Sieverding, for a 7 year term, and Doug Lee, replacing John Douglas, for a 3

year term. He further notes that the counsel for the ZBA, Victoria Polidoro, will be present at meetings, from now on.

## **Public Hearing**

Appeal 16-01, Leo and Trilby Sieverding application for an area variance to erect an addition to an existing, non-compliant building, within the 20' required lot line setback, to create a two car garage. Section 143-18 A (2) of the Town Code states that no permanent, accessory structures shall be located less than 20' from a lot line, and Section 143-126 A of the Town Code states that any existing, non-compliant building shall not be enlarged, extended, maintained, altered, or reconstructed in such a manner as to increase the degree of existing non-compliance, with the minimum requirements set forth for the zoning district in this chapter, or to create any new non-compliance. The applicant's property is located at 251 Yantz Rd. in the Agricultural Business District, tax grid number 134889-6372-00-132359.

At 7:07 pm Chairman Annas asks the applicants to present their case to the Board, and all present. Leo Sieverding invites the Board to refer to the drawings he submitted at the last meeting, and states that they cannot meet the setback requirements for the existing structure; that there are unsafe conditions relating to the existing structure, since the doors are 6 – 7' from Yantz Rd. and the applicants have to back out, if they want to use it as a garage. Mr. Sieverding further states, that in order to use the structure as a garage/barn, they would like to change the access to the north side, and extend the south side an additional 12', which would allow them to pull into the proposed structure from the existing driveway. Leo Sieverding characterizes the existing structure as an historic building distributes a photograph representing the existing structure, dating, he states, from the late 1800s. He states that they want to maintain the structure where it is, and make it look like an agricultural farm building. He states that what they are proposing will improve the aesthetics of the neighborhood.

Victoria Polidoro states that she was not at the last meeting, but that she has read the minutes, and asks the applicants if they are renovating an existing structure, or constructing a new one. The applicant replies that they are remodeling it, to which Kris Munn replies that, at the last meeting, the applicants stated that they were taking the existing structure down, and salvaging materials from it, to be used in the proposed structure. And that the proposed structure will increase the degree of non-conformity, since it will be larger than the current structure. Ms. Polidoro states that there is a material difference between remodeling and reconstructing. Mr. Sieverding states that he is permitted to reconstruct a non-conforming structure within a year of taking down the existing structure, and that the proposed structure would be no closer to the [lot line] than the current structure. Victoria Polidoro confirms with the applicants that they propose reconstructing the building, and salvaging what they can from the existing structure, and asks if it will be on the same footprint. The applicant states that the proposed structure will occupy the same footprint. Kris Munn clarifies that the proposed structure is larger than the existing structure, but that the non-conformity, with regard to the placement of the setback, would not be increased, even as the size of the building would be increased, in the proposed structure.

At 7:11 pm Chairman Annas asks for a motion to open the public hearing. Chairman Annas so moves and Kris Munn seconds. All are in favor.

Chairman Annas states that he has a few questions for the applicants – he understands the safety issues, and why they want to access the proposed structure from the side, and why they want to increase the depth to accommodate an automobile, and the reasoning regarding retaining the front line, and not move the structure back, due to constraints on the property, but why does the proposed

structure have a second story? Mr. Sieverding states that there is no second story. Chairman Annas asks the applicants why they are going so high? Mr. Sieverding replies that the proposed structure is right about where the existing structure is [in terms of height]. He states that the existing structure is 7'6"[in height], and that the proposed structure is 8-9"[in height]. Chairman Annas states that, according to the plans submitted, the proposed structure appears to be 18.5'[in height]. Mr. Sieverding replies that the roof goes up, as the slope travels up. Kris Munn clarifies that [in the plans] the walls on the side are marked as 12' 6" and then there is about another 5". Chairman Annas states that the [existing structure] is about 13' high, and that the [proposed structure] is in excess of 18'[in height], according to the sketch [submitted by the applicants]. Mr. Sieverding states that he is basically picking up the exterior wall, [he indicates on the plans], and putting that roof up [he indicates on the plans]. He further states and indicates that there are ties that will go across. Chairman Annas states that he still does not see why the [proposed] structure has to be so high. Mr. Sieverding states that he needs a roof pitch of 8[']12["], which he states is the minimum for a shingled roof. He further states that the roof pitch of the added portion[to the south side] is shallower[than the main part of the proposed structure]. Chairman Annas states that [the proposed structure] looks like it has a second floor. Mr. Sieverding replies that the height is for collar ties, and that it is standard procedure for architectural-- He further states that there is a base level, and then a second level, where the rafters rest. He states that [the second level of the proposed structure] is collar ties with plywood on [them], and that he needs the collar ties, for the structure to maintain its rigidity.

Chairman Annas states that with all of that, he still doesn't see the need to have so much height in the structure, as is being proposed. Mr. Sieverding states that in order to make the shed roof work, that height is needed. Victoria Polidoro asks if the Board is concerned that going higher [in the proposed structure] represents an increase in non-conformity. Chairman Annas replies that he is trying to figure out what the applicants are really trying to accomplish, [with their application], and that it seems as if the applicants' needs grow with each discussion. Trilby Sieverding notes that the sketch has not changed since [they first submitted their application in] December, and asks what Chairman Annas is referring to as increasing. Chairman Annas states that he had not addressed the height issue [at the meeting in January], and that he is looking at an existing structure that is about 13' in height, and a proposal that exceeds 18' [in height]. Tim Ross notes that the proposed height is still within the zoning restrictions for that zoning district. Chairman Annas agrees with Mr. Ross, but states that the proposed height represents a further expansion of a non-conforming structure, and that he wants to know what the reason for that is. Tim Ross states that the proposal is designed to fit the needs of the applicant. Victoria Polidoro asks Chairman Annas if he is looking for two variances, one for the setback, and another for the non-conformity? Chairman Annas replies that he is not, that the lateral expansion is also increasing the non-conformity, and that he is looking at the request as for a single variance, for the expansion of a non-conforming structure. Chairman Annas states that from what he sees in the plans submitted by the applicant, that they are trying to build something more than just a garage, that it is a structure with a second story on it. Mr. Sieverding states that it is not a second story, that it is collar ties that hold the structure together.

Chairman Annas asks the Board if they have any comments or questions. Chris Klose asks the applicants to identify the proposed structure in the drawings, as opposed to the existing structure, and to indicate the location of the addition on the proposed structure, and the retaining wall [to the rear of the existing structure]. Mr. Klose also asks for clarification regarding the difference between reconstruction and renovation. Victoria Polidoro reads from the Town Code and states that the expansion is the issue, rather than the reconstruction. Tim Ross notes that in the past, with the Sieverdings not getting any closer to the [lot] line [with the proposed structure, than the existing structure is], it had always been deemed [by the ZBA] as not increasing the degree of non-conformity. Mr. Ross states that this interpretation has existed going back 20 years. Mr. Sieverding states that his drawings were submitted, based on that assumption. Chairman Annas states that that

may be what [the Board] has been doing in the past, but they have come to the realization that they have been misinterpreting the standard. He recalls a matter from approximately one year ago, in which the party was allowed to make an expansion in a structure that did not exceed a grandfathered in setback, and they did that without the granting of a variance. Chairman Annas states that with the advent of the new Building Inspector, they are rereading the [Town] code and want a closer look. Chairman Annas states that this is why he believes the application was denied and sent before the ZBA. Kris Munn asks Chairman Annas if he is referring to what the Board allowed, or what the Code Enforcement Officer allowed. Chairman Annas states he is referring to what the Code Enforcement Officer allowed. Victoria Polidoro states that she is unaware of prior interpretations by the Code Enforcement Officer on this matter, and clarifies that the Board is being asked whether his prior opinions were correct, and that the Board's present decision will have some precedent on future decisions, because now the Building Inspector will have to decide [a future] application is consistent with this [decision]. Chairman Annas states that he asked the Building Inspector why the other matter was granted a permit without a variance, and this one was not, and he states that the Building Inspector stated that he wanted this reviewed in a public hearing. Victoria Polidoro states that the Building Inspector reserves the right to become more informed in his decision making. She also asks if the Board had taken up this issue on interpretation before, because if it had, the Board would be forced to look at that and determine if there were changed circumstances warranting a different outcome, but that it is her understanding that it was the Building Inspector, and not the ZBA, who had made the prior determination.

Kris Munn asks the applicants to reiterate, for the new Board members, the reasons why they can not move the proposed structure back, in order to conform to setback requirements for the district. He also asks Victoria Polidoro if the reconstruction is there as of right [in the Town Code]. She replies that it is as of right as long as no additional non-compliance is created. Mr. Sieverding states that the addition, the back section, of the proposed structure is planned in order to accommodate two cars, and that the stone retaining wall, dating from the 1830s, to the rear of the existing structure makes it impractical to move the proposed structure any farther back [from the front lot line] than the existing structure. He further states that he needs space around the west side of the structure in order to maneuver the snow plow. Chris Klose and Doug Lee confirm with the applicants that they will be taking down the existing structure, salvaging what they can, and constructing the proposed structure on a similar, albeit, larger footprint. Kris Munn reiterates that the building will be a new structure, and not an historic structure, even if it may compare stylistically to historic structures in general.

At 7:30 pm Jim Hegstetter asks for public comments. Mr. Edward and Mrs. Lois Howson, of 262 Yantz Rd. state that they are the closest neighbors, across the road from the applicants, and that they have no objection to the proposal.

Chairman Annas asks Victoria Polidoro if the applicants can expand upward without a variance. Ms. Polidoro replies that this question is up for interpretation by the Board. Kris Munn states that the Code includes enlargements and expansions, but does not specify the exact nature of these. Chairman Annas reviews the plans and states that the way the plans represent the construction, it looks like a second floor. Tim Ross states that modern garages are higher than older ones, and that they need to accommodate garage door openers. Trilby Sieverding states that in consideration of the slope of the land, the existing structure is disproportionately low, and that the proposed structure will be more in line with the other structures on the property, which occupy higher ground, creating a step-like effect. Kris Munn asks the applicants if they plan to put an apartment in the upper level of the garage. They state that they do not, and that it will be used for storage. Tim Ross states that in consideration of the poor condition of the existing structure, the proposed structure will be an improvement to the neighborhood. Victoria Polidoro asks Chairman Nick Annas to check if there are further comments from the public, and he does so. There are none. He asks for a motion to close the public hearing.

At 7:40pm Tim Ross moves to close the public hearing. Kris Munn seconds and all are in favor.

Chairman Annas and the Board agree that the action is Type II under section 617.5c.10 of SEQR. *Construction or Expansion of a minor accessory structure, including a garage.* The Board reviews the questions on the balancing test and concludes that:

1. The variance requested will not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties. It will improve traffic safety on Yantz Rd.
2. The needs of the applicant cannot be achieved by other than an area variance.
3. The requested variance is not substantial. Though the requested variance is numerically substantial, in terms of the front yard setback requirement in the district, and in terms of the size of the proposed structure, compared to the current structure, the impacts are not substantial.
4. The requested variance will not affect the physical or environmental conditions in the neighborhood. Traffic safety will improve. The only neighbor present, Mr. Howson of 262 Yantz Rd., is in favor of the proposed structure.
5. The hardship, for which the variance is sought to rectify, was self-created, with the clarification that no other solution is practical for a two car garage, considering the size requirements of modern cars, and the height requirements for garage doors, and electrical garage door openers, in that location.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

At 8:02 pm Chairman Annas asks for a motion to grant the variance as requested. Victoria Polidoro asks the Board of the 5' front yard setback, shown in the plans, submitted by the applicant, are linked to the variance. Chairman Annas asks the applicants if the plans are definitive, to which they affirm. Chairman Annas requests that the plans be attached to the variance resolution.

At 8:04 pm Tim Ross moves the grant the variance for application 16-01, as presented, including the plans submitted by the applicants. Chairman Annas seconds.

At 8:05 pm the Board votes unanimously to grant the variance.

At 8:07 the Board begins the public hearing for appeal 15 – 08. Chairman Annas asks the applicant to summarize his proposal. Mr. Greig states that the purpose of the Agricultural Business District (ABD) is to support agriculture, and allow ancillary activities on farms. He further states that some are listed specifically, but that the law states that some are unspecified. His proposal for motorcross rally sports, consists of a one day event, which takes place two to four times a year. He conducts these events on fallow fields, rotating which parcel is used, according to weather and ground conditions. Mr. Greig states that he has been conducting these events for 8 years, with no complaints, and notes that the letter to the Building Inspector was anonymous. He further states that there have been no negative impacts, or complaints, in the last 8 years. Mr. Greig states that he has no plans to change the nature of these events, and asks the ZBA to interpret the [Town] Code to support ancillary, events in the ABD, which are not listed. Mr. Greig mentions that ancillary activities are not limited to autocross, and that these are beneficial to agriculture. Finally Mr. Greig clarifies that the events he is proposing are not ongoing, but rather occasional.

Victoria Polidoro explains to the Board that the applicant has the burden of proof of stating why the Zoning Enforcement Officer is incorrect in his interpretation, and that the applicant did not include a specific section of the [Town] Code in his application to the ZBA. The Board reviews the section of the Town Code that deals with "Uses in the ABD", including "Temporary Events" and "Small Scale Entertainment". Victoria Polidoro clarifies that the proposed use must fit with the spirit of the intent of that part of the [Town] Code, [i.e.] must be related to agriculture, must be incidental to the farm, and must not alter the agricultural nature of the district. Doug Lee asks if the proposed use is related to farming. Victoria Polidoro states that the principal use must be must be agricultural, and that the secondary use must be less intensive. She further states that under section F "Other accessory, agriculture related activities" there is a number 9. comprising "Small Scale Entertainment", which may, or may not be related to agriculture. Ms. Polidoro also clarifies that the duration and the intensity of these events must fit with the spirit of the [Town] Code. Kris Munn notes that it is the applicant who must decide what part of the Town Code the ZBA is being asked to interpret. After discussion with the Board, Mr. Greig states that he is asking for an interpretation of Section 143-39 1 C 2 F 9. Kris Munn asks the Board, and Mr. to confirm that it is part 9 [Small Scale Entertainments], which all affirm.

At 8:26 Chairman Annas asks for a motion to open the Public Hearing. Tim Ross so moves, Chairman Annas seconds, and all are in favor. Chairman Annas asks if anyone present would like to address the Board.

Mark Van DeCarr, Vice President of the Poughkeepsie, NY subsidiary, chapter of the Sports Car Club of America (SCCA), and a resident of Rhinebeck, NY, states that he is a licensed safety steward for rallycross, that he designs most of the courses for the club, that [the club] uses [the applicant's] property, and leave it in the same shape it was in, prior to the event, and that they have never had an issue. He comments that this type of motorsport is becoming very popular throughout the country. Mr. Van DeCarr further states that these events support local business, and lists examples, such as ordering 30-40 lunches from the Cornucopia Deli, on a Sunday. He states that the wives of the drivers often shop at local businesses. He characterizes the events as low impact, and states that he cannot address the complaint, since he does not know where it came from. He [rhetorically] asks the Board what the intent of such a complaint could be, if the individual writing it does not sign it. He notes that a truck passing by on route 9 would be louder than any car on the course. Kris Munn asks Mr. Van DeCarr to describe the events in more detail.

Mr. Van DeCarr states that typically there are 30 – 35 cars. There are also two Club cars available for the [SCCA] members' use. The Club sets up a course with cones, and the drivers participate in a time trial, one or two cars at a time, as long as they are not near one another. He further specifies that there are safety requirements, such as no fixed objects, no jumps, no flips, and that the Club will change the course if the dirt moves. Kris Munn asks about the speeds, to which Mr. Van DeCarr replies they are 35-40 mph. Chris Klose asks about the tires, to which Mr. Van DeCarr replies they are rally tires, which are like aggressive [tread] snow tires, with a hard sidewall. Doug Lee asks if all of the rally cross events take place on farms, to which Mr. Van DeCarr affirms that most do, but occasionally there will be an event on a gravel parking lot. Chris Klose asks how much is the farmer paid for each event, to which Mr. Van DeCarr replies \$600 3-4 times per year. Jim Hegstetter asks Mr. Van DeCarr if the Club sponsors events elsewhere, to which he replies that there are events in Stafford Springs, CT, and in Vermont, in ski resort parking lots. Mr. Hegstetter notes that there is also information regarding the events, available on the SCCA website. Chris Klose asks Mr. Van DeCarr if the cars used in the events are street legal, to which he replies that 90% are, and 10% are modified [rally, or classic] cars. He further clarifies that it takes about 6 hours to set up a course, and that an independent safety steward must approve the course. Tim Ross asks the applicant if he brush hogs the area prior to the event. Mr. Greig affirms this, and further states that the field is fallow, and that the events generally take place after a second cutting in August, for example, on fields in which

he will plant a fall grain cover crop, so he will then plough, after the event. Mr. Greig further clarifies that he has hosted these events on various fields over the years, according to ground and weather conditions. Chris Klose asks Mr. Greig if he is concerned about soil compaction due to numerous vehicles, and aggressive tires, to which Mr. Greig replies that he is not, since the vehicles are lighter than farm equipment. Chairman Annas asks how much acreage each event requires, to which Mr. Greig replies 8 acres, set up with cones, in a one minute course. Chairman Annas asks how close the nearest residence is to a course, to which Mr. Greig replies it is 1000'. Victoria Polidoro notes that the applicant did list individual parcels on his application, but that an interpretation will affect every parcel in the ABD. Doug Lee asks her if the frequency of these events can be limited, to which she replies that the Board could limit the events to a certain number of times per year, in order to be considered an accessory use, or stipulate that if it exceeds a certain number of events, per year, there would have to be a new interpretation. Kris Munn asks the applicant how many events he has held, per year, to which Mr. Greig replies 4. Chris Klose asks Mr. Van DeCarr if this is a new activity, to the farms to which he replies that it is, the SCCA has an impeccable safety record, and that his training as a safety steward was two years in duration. Victoria Polidoro asks if the Club sells tickets, and invites the public, to which Mr. Van DeCarr replies that there are no tickets, no advertising, and few spectators, mostly comprised of friends and family of the drivers. Ms. Polidoro states that the Board will have to decide whether or not a rallycross event, held 4 times a year, as described, is considered small scale entertainment.

Chairman Annas asks for further comments from the public. Jarvis Wilkie of 34 Old Post Rd. Staatsburg, NY states that the Club inspects the cars prior to the events, for safety hazards, leaks, brakes and tires, and that if a driver's car is not up to standard, there is a Club car he can use. Mr. Wilkie also states that the drivers wear DOT approved helmets, that must be newer than 2010.

Debbie Donahue-Gillen, of 212 Rockefeller Lane, next to the soccer fields, behind the daycare center, asks if the events have taken place near her home. The applicant responds that they have not been adjacent to her property, and more than 1000' away. Ms. Donahue-Gillen states that she has not been aware of it, and asks if it is always on the same parcel, what is the number of cars, and if that number can be limited. Chairman Annas states that during the public hearing, she must address the Board only, that the events are not always on the same parcel, and asks her if she has ever attended an event. She replies that she has not, but that [the popularity of these events] might grow, and help the area economically. Kris Munn asks if the ZBA can limit the number of cars, in the interpretation, and also, if limiting the number of events, per year, to four, would that mean four events per year, per parcel, in the case of the current applicant, 28 events per year. Victoria Polidoro confirms this. Tom Murphy of 8 Constitution Dr., Cold Spring, NY states that these events are sanctioned by SCCA, and insured up to \$10,000,000 per event. Chris Klose notes, however, that if the Board were to interpret in favor of the applicant, then anyone could come. Amy Dubin of 107 Pitcher Lane and Dorriedale Farm, which abuts the applicant's property states that the issue is a big question, that goes beyond the present application, and that all the ZBA can do is answer why the zoning enforcement officer was correct or incorrect. She states that the ZBA cannot enlarge uses, or re-designate zoning, which is for the Town Board to decide. She further states that motor sports are a large category, and asks [rhetorically] if the Town wants this. She states that she has not experienced it. She notes that Towns which have allowed motor sports have strict requirements, and that this interpretation will affect all parcels in the ABD. She states that vehicles, such as 4-wheelers, and snow mobiles, chewing up the land, are the antithesis of agriculture. [See Exhibits A, B, and C for letters submitted to the ZBA, regarding this appeal]

Victoria Polidoro replies that the ZBA is being asked to interpret "Small Scale Entertainment", and that it is the purview of the ZBA to do so. Doug Lee asks about pollution, and Mark Van DeCarr responds that the cars must be in reasonable shape, but that there is no emissions test. Mark Long of 124 East Cookingham Dr. elaborates on stock class, prepared class, and modified class cars, and

states that all have a catalytic converter, and that the cars at these events are pretty clean. Chairman Annas asks about other motor sport events on farms, in the Town, and Victoria Polidoro states that the ZBA cannot address it, within the context of the current application. She also notes that not every time a complaint comes in, does the zoning enforcement officer issue a cease and desist order.

Chairman Annas asks if there are any objections from neighbors present. Steve Cegelka, of 248 Pitcher Lane, and about 1800' from the parcels used for the events, states that he might hear a low rumble, on a clear day, during an event, and that traffic on Route 9 is louder. He states that he has observed the events, as a spectator, and that it is a nice, clean operation. Mark Van DeCarr states that in order to not pack the ground, the Club never uses the same race course [for more than one event]. Linda Keeling, of ---Pitcher Lane, states that she is not affected by it, but that there may be environmental issues from dust, and that it may affect property values. She asks if the events could exceed 8 acres in size, or if the nature of the events could change over time. Amy Dubin states that there need to be specific guidelines, that it could expand, if it is a big success. Victoria Polidoro states that if this type of event is a permitted use, then there are no restrictions, and that the Town Board must establish what restrictions there might be. Kris Munn notes that at number 9. ["Small Scale Entertainments"], there must be a minor site plan review by the Planning Board, and that there can be a single application for multiple events.

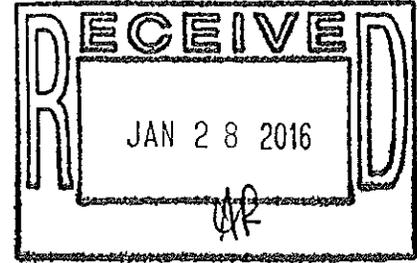
At 9:18 pm Chairman Annas asks for a motion to close the public hearing. Kris Munn so moves, and Chris Klose seconds. All are in favor. Victoria Polidoro recommends a written resolution, clearly laying out the question, and the resolution.

At 9:21pm Chairman Annas asks for a motion to table the discussion until the March ZBA meeting. Kris Munn so moves, and Tim Ross seconds the motion. All are in favor. The Board discusses the lack of clarity in the current application, and agrees that more specificity is needed, going forward. The Board agrees that it can go forward with the current application, as it has been submitted, since the Board has discussed with the applicant, exactly what he is asking for.

At 9:31 pm the Board reviews application 16 -- 03, for an interpretation. Chairman Annas asks the applicant, Melanie Wen Mei Shih, to describe her proposal to the Board. Ms. Shih states that she and her father, Tzu Kuo Shih, operate a Chinese Medicine clinic in Kingston, NY. She notes that the clinic offers acupuncture, massage, and classes in Tai Chi, Chi Kung, and meditation. Chairman Annas asks her how many people attend the classes, to which she responds between 5 and 10, but that she expects about 5 people per class, in the proposed location, in Red Hook. Mary Orapello, of 340 Lucas Ave., Kingston, NY, the realtor for the property, which is up for sale, states that she does not know why they are applying for an interpretation, that she and the applicants have also heard they might need a use variance. Tim Ross asks if the building is a group home. Ms. Orapello states that it is. Victoria Polidoro states that the applicants must apply for a use variance, and that the requirements for this are very difficult to achieve. Tim Ross states that he can remember only one or, maybe two, in all the years he has served on the ZBA, which have passed. He further states that it might be possible for the applicants to apply for a change of non-conforming use, or a rezoning. Victoria Polidoro recommends that the applicants speak to an attorney, who can look at the Town Code, and advise them. Mary Orapello asks what paperwork they will need. Anne Rubin states she will look into it for them.

At 9:45 pm Chairman Annas asks for a motion to adjourn the meeting. Kris Munn so moves, Jim Hegstetter seconds, and all are in favor.

David Migdal  
Kate Karakassis  
152 Pitcher Lane  
Red Hook, NY 12571



January 28, 2016.

Exhibit A

RE: ZBA Appeal 15-08

Dear ZBA Members:

We write to comment on Norman Greig's request for an interpretation of Red Hook Zoning Law Sec. 143-39.1 that would allow the racing of motorized vehicles as a permitted or permitted accessory use on properties within the Agricultural Business District. A ZBA interpretation will apply to every parcel in the ABD, not just the Greig properties. Given the well documented record of complaints and litigation concerning racing in Stephentown, NY and at the Monticello Motor Club track in Sullivan County, the ZBA should proceed cautiously and solicit comment from all the property owners that will be affected by the interpretation, not just those whose property abut the 8 Greig parcels. The Town Zoning Map shows that if motorized vehicle racing is allowed, racing could be done over an extensive area on parcels abutting schools, institutions, R1 zoned residential property and traditional neighborhoods within the Town, as well as properties in the Village of Red Hook.

The burden is on the applicant to explain under what section of law he believes motorized vehicle racing should be allowed. At the December 2015 ZBA meeting the applicant did not do so, but ZBA members stated that the most applicable section was Sec. 143-39.1 C.(2)(f)[9], and we believe that is the only section under which racing may arguably be allowed.

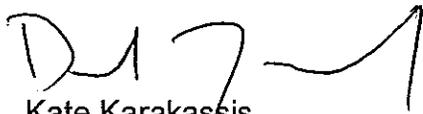
This section allows small scale entertainments for groups of up to 1000 persons. The examples of entertainments given are concerts, car shows and art fairs, all activities where people gather to view something and which, by their very nature, are not conducted on a regular basis throughout the year. The racing being done on the Greig properties was described by representatives of the Poughkeepsie Sports Car Club at the December 2015 ZBA meeting. It was specifically stated that the racing on the Greig properties is not a car show and the races do not and are not intended to attract spectators. The racing is done for the enjoyment of the participants. No type of motorized vehicle racing is mentioned as allowable under Sec. 143-39.1 C.(2)(f)[9], and racing is not the type of spectator centered entertainment allowable under this section.

If the ZBA does make a determination that the law allows motorized vehicle racing, we ask that it take care to limit the racing so it does not inadvertently permit racing that might draw up to 1000 spectators on tracks operating continuously throughout much of the year. To our knowledge the racing on the Greig properties to date has been

occasional and small scale, but in the future any owner might introduce larger scale, more continuous and more intrusive racing, if an interpretation permits them to do so. We urge the ZBA to consider what types of vehicles may be raced and on what types of tracks. The ZBA should set limits on the type, number, size and frequency of racing activities that it might determine are allowable.

We ask that the ZBA carefully consider how any interpretation may change the zoning law in ways that will have a broad and permanent impact on the quality of life and property values of all the Town and Village residents.

Very truly yours,



Kate Karakassis  
David Migdal

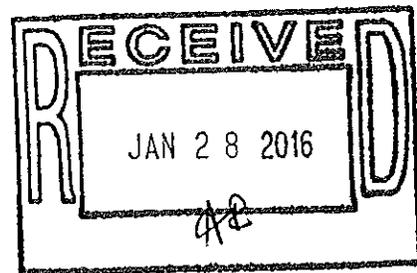


Exhibit B

2-2-16

Appeal 15-08 Norman  
Brey application. 2-10-16

We are all for Norman  
to have Motorsport  
Ballycross Events. We  
think it is Great and  
doesn't bother anyone.  
He doesn't do it every  
week - we have no problem  
with it.

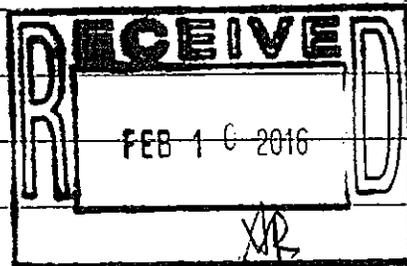
Thankyou

David H Ford Sr.

Kimberly A Ford

David H Ford Jr

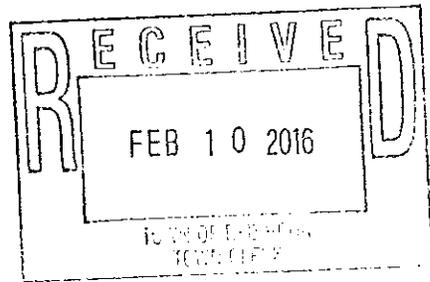
8063 Albany Post Rd.  
Red Hook NY 12511



February 10, 2016

Town of Red Hook  
Zoning Board of Appeals  
7340 South Broadway  
Red Hook, NY 12571

Exhibit C



**Re: PUBLIC HEARING, Feb. 10, 2016**

**Appeal 15-08, Norman Greig, Application for an Interpretation, Motorsport Rallycross Events**

Dear Chairman Annas and Board Members:

I am in agreement with the Zoning Enforcement Officer's interpretation based on the Zoning Code's description. The Motor Rally is a non-farming entertainment event involving non-grown food and could attract additional truck vendors.

Farms already have tax exemptions based on soil types, can apply for and get paid for Purchase of Development Rights (PDR) while still owning the land and receive money for growing crops or harvesting trees while still being able to sell a portion for development. Inns of up to 10 rooms are allowed to use homesteads to produce income. Farm stands and farm markets are allowed to sell what they and others produce. These are activities that promote the growing and sale of farm products and support Agritourism in the AB District. Residents are at a disadvantage as they are not allowed as many varying income producing uses for their properties.

The problem with granting a waiver to the Zoning Law is it sets a *dangerous precedent* for other large parcels that may be near residential or educational institutions. The negative environmental conditions include potential spills, flying car parts, loud sounds, and air pollution from drifting dust storms with the loss of prime agricultural top soil. These are considerations that might be assessed as part of a SEQRA process which a special permit by-passes to the detriment of the environment and neighbors.

The applicant has had a history of non-compliance with the terms of granted permits: a non-ADA bathroom behind the farm market, the inclusion of a food truck, damage to my property from a truck from a paid political movie filmer, loud music from a drug festival that exceeded its assigned 11:00 pm cut-off time to 3:30 in the morning, and very loud music and drunk singers on loudspeakers from wedding parties. There is little-to-none oversight by the applicant in assuring the terms of the permit are adhered. The neighbors' land and quietude rights are negatively infringed upon with each additional money-making activity that usually morphs beyond its stated restrictions.

I implore you to NOT give a waiver for a Motor Rally as it negatively impacts the neighbors and is not an agricultural activity.

Sincerely,

Linda J. Keeling  
238 Pitcher Lane  
Red Hook, NY 12571