

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

March 09, 2016

CALL TO ORDER

The meeting was called to order at 7:11 pm by Chairman Nick Annas

ROLL CALL

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

Members Absent: Chris Klose is absent.

Also Present: Victoria Polidoro, counsel for the Town of Red Hook ZBA.

PRELIMINARY BUSINESS

Minutes from February 10, 2016

At 7:12pm Chairman Annas asks the Board for a motion to approve the February 10, 2016 Minutes. Kris Munn so moves, Tim Ross seconds, and all are in favor.

Minutes from February 22, 2016

At 7:13pm Chairman Annas asks for a motion to approve the February 22, 2016 Special Meeting Minutes. Kris Munn moves to accept the February 22, 2016 Special Meeting Minutes. Tim Ross seconds the motion. Doug Lee abstains, due to absence, and Chris Carney notes an error on page three, paragraph three, line three, in which the Minutes should read “not how”, instead of “now how”. Chairman Annas, Jim Hegstetter, Tim Ross, Chris Carney, and Kris Munn vote to approve the Minutes, with the above named revision.

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

Comments from the Chairman: There are no comments from the Chairman.

Discussion

Appeal 15-08, Norman Greig application for an interpretation of the determination by the Zoning Enforcement Officer, denying a zoning permit for Motorsport Rallycross Events, pursuant to Sections 143-39.1 Uses in the AB Zoning district, 143-39 C (1) Permitted Uses, and also, 143-39 C (2) Permitted Accessory Uses. This type of activity is not an allowed use in the AB Zoning District. Parcels relevant to the application for an interpretation for this use are as follows: 6273-00-944725, 6273-00-896812, 6374-

00-090235, 6374-00-104157, 6374-00-114128, 6274-00-960193, 6274-00-980090 in the Agricultural Business District. The applicant resides at 221 Pitcher Lane.

Chairman Annas states that the Board has discussed this application at length, and asks the applicant if he has received a copy of the [February, 22, 2016] meeting Minutes. The applicant states that he has. Chairman Annas then invites the applicant to present any further comments to the Board. The applicant, Mr. Norman Greig, states that his [motor rallycross] events are not an enterprise, but a public service, that he accommodates the car club on his property, two, three or four times a year, when the weather permits. He further states that he has not had one complaint in 10 years, and that he has no plans to convert his farm into a racetrack. He states that he was shocked and surprised to find out that he would be facing \$2,500.00 in fees, and that he never would have [applied for an interpretation], had he known it would be so expensive. Ms. Polidoro clarifies that there is a difference between escrow collected, and fees charged, and that every applicant is entitled to a full accounting of the bills owed.

Chairman Annas notes that the Board has discussed this issue at length, and asks the Board members, [who were not present at the Special Meeting] if either of them wish to comment further [on the matter]. Chris Carney states that he has no comments, that he has read the Special Meeting Minutes, and understands what is being discussed. Doug Lee states that he has no comments.

At 7:17 Chairman Annas asks for a motion to adopt the resolution. Kris Munn so moves.

Victoria Polidoro states that the Board has before it a resolution, and asks if all members present have a copy. ZBA Clerk, Anne Rubin makes copies for the Board. Victoria Polidoro states that no changes were made to the document, and that this is the same version that was emailed [to the Board].

Chairman Annas asks Victoria Polidoro if the resolution needs to be read into the Minutes. She states that it is part of the record, whether it is read into the Minutes or not. Chairman Annas asks the Board if there are any changes it wishes to consider. Chairman Annas characterizes the resolution as a 4 page document, containing the issues the Board has previously reviewed, and reads the conclusion of the resolution as follows:

Now, therefore, let it be resolved, that appeal from the [cease and desist] order is granted. The Board finds that the list of permitted accessory uses, under *Small Scale Entertainment*, is non-exclusive, and that] there is no discernible difference between a rallycross event, held on fallow fields, no more than 4 times a year, one day each, with no more than 40 participating cars, and the examples of permitted, accessory uses provided for in Section 143-39.1 part C part 2 part F part 9 of the [Town] Zoning Law, including a car show, an art fair, and a music festival. Each event brings people to the farm, to enjoy the farm, contributes to the solvency of the farm, and does not harm farming or agricultural operation. None of the [under permitted accessory uses] events are necessarily agricultural in nature, that the intensity of activity, presented by the applicant, a rallycross event is clearly incidental, and secondary to the use of the premises for agricultural purposes, and does not alter the character.

At 7:21 pm Chairman Annas asks for a motion to grant the resolution. Jim Hegstetter so moves, and Kris Munn seconds the motion. Chairman Annas asks for any further discussion. There being none, the Board votes to grant the resolution as follows:

Doug Lee votes yes. Kris Munn votes yes. Chris Carney votes yes. Chairman Annas votes yes. Tim Ross votes yes. Jim Hegstetter votes yes.

Chairman Annas states that the ZBA has determined that rallycross, as presented by the applicant, is one of the additional, accessory uses[permitted in the ABD].

At 7:24pm Chairman Annas asks for a motion to adjourn the meeting. Jim Hegstetter so moves, Chairman Annas seconds, and all are in favor.