

**Town of Red Hook Zoning Review Committee  
Meeting Minutes  
February 12, 2015**

**CALL TO ORDER**

The meeting was called to order at 7:07 p.m. by Susan Simon - Chairperson

**ROLL CALL**

**Members Present** - Susan Simon-Chairperson-Zoning Review Committee  
Steve Cole-Code Enforcement Officer  
Ann Rubin-Conservation Advisory Committee  
Ken Migliorelli - Ag. & Open Space Committee  
Brent Kovalchik-Village of Red Hook Trustee  
Michael Robertson - Community Representative

**Members Absent** – Chuck Simmons – Community Representative  
Christopher Klose- Economic Development Committee  
John Douglas - Zoning Board of Appeals  
Sam Phelan - Planning Board  
Bill O’Neill - Town Board Liaison

**OLD BUSINESS**

The Minutes of October 9, 2014, meeting were reviewed. Brent Kovalchik made a motion to approve minutes as submitted; seconded by Steve Cole.

**ALL IN FAVOR. OPPOSED - None.** Minutes approved as submitted.

**Spite Fences**

Susan stated that Anne Rubin has done an enormous amount of research on the subject of spite fences and the Committee will be reviewing this information tonight. Each member received a copy of the handouts.

Susan noted that the first handout is from South Plainfield, New Jersey, which includes what a **Spite Fence or Wall** is. Susan asked Steve if he has any problem with this description and Steve does not.

The second piece is the definition of a Fence (or Wall) and the third piece discusses Nuisances that could be produced by fences or walls or just in general a nuisance to a neighbor or the area being things like noise, dust, smoke, fumes, etc. One of the things is the “obscuring or marking of adjacent or nearby property by projecting signs, marquees or canopies or any adverse effect on value or desirability of nearby property caused by such matters as incongruous appearance, exposed storage of inoperable automobiles, junk, materials and neglect or dilapidation of”. Susan states that this goes a lot deeper of things that people could do if they really wanted to be spiteful but Susan does not think the

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Committee wants to get into the “spiting” of the Red Hook area at this time but this is a very helpful piece of information.

The other piece that Anne has provided is from the State of New Hampshire which is their definition of what a **Spite Fence** is and it is very simple: “Any fence or other structure in the nature of a fence, unnecessarily exceeding 5 feet in height” and we would discuss how that applies to our zoning, “erected or maintained for the purpose of annoying the owners or occupants of adjoining property shall be deemed a private nuisance”. They go on to talk about the remedies and penalties.

Susan asked Steve where the Committee should begin.

Steve feels the 5 foot should go to 4 foot because it is 4 foot in the required front yard and the rest is fine.

Brent questioned if that is needed if we already have it in our Fence Ordinance.

Steve asked if “Spite” was going to be separate or is it going to be attached to the “Fence” definition. Steve doesn’t think there will be any harm done by leaving the 4 foot in there.

Brent asked if we need to change both laws.

Susan asked if the definition could read “unnecessarily exceeding *the existing allowed height*”.

Anne feels it should be separate because it is easier to define it and it is its own category. There will be a separate definition and no one can say “I didn’t know”. We do not have a definition for “Spite Fence”.

Brent asked it is not allowed, then what difference does the height make.

Ken asked if we have what is proposed for the Law.

Susan and Steve stated that was for Agricultural Fence and that was approved by the Agriculture & Open Space Committee.

Ken requests that when ZRC comes up with the wording for Spite Fence, he would like the Ag. & Open Space Committee to review it.

Steve explained that if the issue of Spite Fence ever comes up again, he will go out and do an inspection and if it is clear that it is a Spite Fence, he will write the landowner up and it will be sent to the Zoning Board of Appeals for interpretation and then the ZBA will have to interpret if, in fact, it is a Spite Fence or it is not.

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Steve commented that he likes the South Plainfield, New Jersey definition better because it includes more specifics. He would like to take some of that definition and incorporate it into the New Hampshire definition.

Susan requested that Steve work on a definition and bring it to the next meeting for review and discussion by the Committee.

**Food Trucks**

Steve Cole brought up that in the last 2 years there has been an increase in the number of people coming in to Town Hall inquiring about permits for vending carts and food trucks. At the present time Food Trucks are not allowed in the Town of Red Hook. Steve questioned the Board on whether they want to address this topic now or wait and see if it becomes an issue. He feels the problem is if food trucks and vending trucks come in to Red Hook and then Red Hook enacts a Law, then we have illegal uses that are being grandfathered in so to speak.

Brent stated the Village recently granted approval for use for a series of trailers/vending carts at the Emporium (Old Soap Factory). The Village is looking at them as pop-ups. Bubby's started out as a pop-up then eventually turned into a restaurant. There are provisions that have to be met. There are restrictions that apply such as the health, safety and welfare of the community, e.g. parking, signage, etc. The property has to be zoned for it and there needs to be restrictions.

Ken said he has been approached by people to set one up at his produce stand . He denied them permission because it would take business away from Griff's Deli. He feels we should have guidelines in place because it is a booming business now and supports local agriculture and are local people.

Michael Robertson said he has also been approached regularly and commented that there is a lot of interest in these food trucks setting up in our area. He denied them permission because it is not allowed.

Anne Rubin did some research and provided the Committee with model ordinances from Hillsboro, NC, Carlisle, PA and The City of Sacramento.

Steve informed the Committee that the Town of Milan just adopted a Vending and Food Truck Law. The Committee agreed to look at Milans. Susan suggested that the Committee take this on as a working project, especially with summer approaching. Food Truck Courts are on the rise and Red Hook needs to be on board with it. Anne suggested getting in touch with Dan Budd from Taste Budds and getting input from him since he has a Food Truck. All were in favor of this suggestion.

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**NEXT MEETING - April 9, 2015 - 7:00 p.m.**

**ADJOURNMENT**

A motion to adjourn was made by Ken Migliorelli, seconded by Anne Rubin –all in favor.  
The meeting adjourned at 8:15 p.m.

Respectfully submitted,

*Susan Simon*

Susan Simon  
Chairman – Zoning Review Committee

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