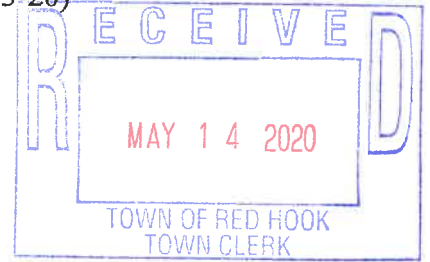


Town of Red Hook  
Zoning Board of Appeals Meeting Minutes Approved (5-13-20)

January 8, 2020



**CALL TO ORDER**

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

**ROLL CALL**

Members Present: Chairman Nick Annas, Jim Hegstetter, Kate Karakassis, Chris Carney

Members Absent: Chris Klose

Also Present: Victoria Polidoro, ZBA Attorney

**PRELIMINARY BUSINESS**

December 11, 2019 Meeting Minutes

At 7:00pm Chairman Annas asks for a motion to approve the December 11, 2019 meeting minutes. Jim Hegstetter so moves and Kate Karakassis seconds. Clerk, Anne Rubin notes a statement by Doug Cappillino, attorney for applicant Heermance Farm-Hudson Valley Wind + Solar, on page two, paragraph three, is not clear. At 7:02pm the Board votes in favor of voting on the December 2019 minutes at the February 2020 meeting.

Planning Board Minutes/Comments from the Chair

Chairman Annas informs the Board the Rokeby Farm proposed Heliport is on the agenda for the February 3, 2020 Planning Board meeting.

Chairman Annas also informs the Board of Jim Hegstetter's suggestion regarding last minute changes to the ZBA Agenda. Mr. Hegstetter is requesting all last minutes changes be communicated to the Board via text, to which everyone agrees.

Ms. Polidoro asks the Board if it has received the Dutchess County Supreme Court decision on the Article 78 instituted by applicants Fred and Madeline Delgrosso, to which the Board replies it has not. Ms. Polidoro emails the decision to the ZBA Office.

Chairman Annas reads Planning Board Chair, Sam Phelan's remarks of the July 15, 2019 Planning Board meeting, at which Mr. Lynch presented the project to the Planning Board. [See Attachment A].

Chairman Annas reads the Public Hearing Notice for ZBA 19-12 Bear-Red Hook Engineering (hereinafter RH Engineering).

**Public Hearing**

Steven Bear, represented by Timothy Lynch of Red Hook Engineering, PC, application for an area variance to construct a detached, 720 SF, two car garage on the subject parcel, which would result in an 11% Building Coverage. Town of Red Hook Zoning Law Section 143-12, The District Schedule of Area and Bulk Regulations, limits maximum building coverage in the Institutional Zone to 5%. The subject parcel is located on 398 Spring Lake Road, in the Institutional Zone, of the Town of Red Hook.

Chairman Annas confirms with the applicant's representative, Tim Lynch, the project's requested lot coverage is 11% of the two lots the applicant combined in 2019, and comments the requested lot coverage more than doubles the permitted, maximum lot coverage.

At 7:07 pm Chairman Annas asks for a motion to open the public hearing. Jim Hegstetter so moves, Chris Carney seconds, and all Board members present vote in favor of opening the public hearing for ZBA Appeal 19-12 Bear-RH Engineering.

Chairman Annas notes there are no members of the public present to comment, but notes there are eight signed copies of a form letter, from the applicant's neighbors, stating they have no objection to the proposed garage. The form letter states, as follows:

"Regarding an application for an area variance for 398 Spring Lake Rd., Red Hook, NY 12571, the following signature is to notify the board that there are no objections to the application for a variance from the Red Hook Zoning Ordinance for the building of a two car garage".

Chairman Annas confirms the neighbors who have signed copies this form letter have stated therein they reside at 391, 471, 487, 465, 425, 491, 347, and 455 Spring Lake Road.

Chairman Annas also reads into the record a letter, dated 12-30-19, received on 1-6-20, from another neighbor, Mr. Robert Flynt, residing at 383 Spring Lake Road, which states, as follows:

"I'm writing in regard to my neighbor Steven Bear's application for a variance from the Red Hook Zoning Ordinance, in order to build a 2-car garage on his property on Spring Lake Road.

As one of his nearest neighbors, I would like to notify the board that I have no objection to this application or for the plan submitted, which I have seen. I have received the Notice of Public Hearing on January 8<sup>th</sup>, however I will not be in town on this date. I trust this shall be sufficient notification that neither I or my spouse have any objection to the granting of the variance. I am sending this via email, as well as a printed, signed version.

Sincerely, Robert Flynt"

Chairman Annas asks the Board members if they have visited the parcel, and all present confirm they have. Chairman Annas states he does not see a problem with the proposed garage from a visual perspective, and further notes it appears the project would necessitate the removal of several mature trees. Mr. Lynch confirms, stating a small stand of trees would be removed. Chairman Annas further notes the real estate to the west of the property is almost a cliff side, and further comments the proposed garage does not present an obstruction of views of the lake for the applicant's neighbors.

Chairman Annas asks Mr. Lynch about drainage on the lot, noting it is the purview of the Planning Board. Chairman Annas asks Mr. Lynch if the Planning Board has determined the proposed garage will not obstruct drainage on the lot, to which Mr. Lynch replies he is seeking a Freshwater Wetlands Permit from the New York State Department of Environmental Conservation (NYSDEC), and further comments he will be going back to the Planning Board for Site Plan Review, further stating drainage and other questions would be discussed in both instances. Chairman Annas asks Mr. Lynch to explain to the Board what a rain garden is, to which Mr. Lynch describes it as a permeable garden surface, a vegetative detention area, used to capture rainwater as recharge, instead of letting it run off the property. Chairman Annas notes there is not much space between the proposed structure and the roadway, for a raingarden.

Chairman Annas asks the Board if it has any other questions or comments, to which Jim Hegstetter states since there are no neighbor objections, he is ok with moving forward. Chairman Annas asks Mr. Lynch if the property owner is willing to remove the two older outbuildings on the property, to which Mr. Lynch replies the property owner will remove the smaller, older shed of the two, and further comments the larger outbuilding is used as a workshop. Jim Hegstetter states it is a fair trade off. Victoria Polidoro asks Mr. Lynch if the location of the proposed garage meets all setback requirements, to which Mr. Lynch replies it does.

At 7:15pm Chairman Annas asks for a motion to close the public hearing. Jim Hegstetter and Kate Karakassis so move, and all Board members present vote in favor of closing the public hearing for ZBA 19-12 Bear-RH Engineering.

Chairman Annas notes, for the Variance Resolution for ZBA 19-12 Bear-RH Engineering, the applicant is offering to reduce the requested 11% coverage. Victoria Polidoro notes the Board needs to first review the list of findings, stated in the resolution.

The Board finds as follows:

1. The variance requested will not produce an undesirable change to the character of the neighborhood, or a detriment to nearby properties, since the proposed garage will not hamper the neighbors' view of Spring Lake, and since it is consistent with the neighborhood development, and since it will improve the appearance of the property, and since no objection from neighbors or others have been presented to the Board.
2. The needs of the applicant cannot be achieved by other than an area variance, since the applicant has applied for a two-car detached garage, of 720 SF, for a total of an 11% lot coverage, on an existing, non-conforming lot, which already has 8% lot coverage in a Zoning District which permits a maximum of 5% lot coverage.
3. The requested variance is numerically substantial, since the requested variance represents a more than 50% enlargement of the permissible lot coverage. All Board members present find, however, the impacts associated with the proposed garage are not substantial, since it is consistent with the neighborhood.
4. The requested variance will not affect the physical or environmental conditions in the neighborhood, since the drainage and runoff impacts will be mitigated with a rain garden and the existing gravel driveway.

5. The hardship for which the variance is sought to rectify was self-created.
6. The variance being granted is the minimum variance to meet the needs of the applicant. The Board voted 4-0 in favor, with one absence, to conditionally grant the variance request, provided that the applicant remove the smaller of the two existing outbuildings on his property, and that all outstanding fees and escrow be paid in full. [See Attachment B for full resolution].

## Review

Cary Kittner application for an area variance to construct a detached, 672 SF garage on the subject parcel, which would result in a 6% Building Coverage. Town of Red Hook Zoning Law Section 143-12, The District Schedule of Area and Bulk Regulations, limits maximum building coverage in the Barrytown Hamlet Zoning District to 5%. The subject parcel is located on 1 Wildey Road, in the Barrytown Hamlet Zone, of the Town of Red Hook.

Chairman Annas reads the review meeting agenda notice for ZBA 19-13 Kittner.

Ms. Kittner states her proposed garage results in a 5.9% lot coverage, and informs the Board she has prepared a written statement, which she reads as follows:

“We have come to request an area variance for a property a 1 Wildey Road in Barrytown. The purpose of this variance is to build a 24’ x 28’ garage, with a studio on top. The restriction in Hamlet District is buildings cannot occupy more than 5% of each parcel. To build a usable garage will require slightly less than 6% of our land. If we understand correctly, most of residential Red Hook and the Hamlet in Upper Red Hook can cover at least 10% of their land. If we wanted to stay within the 5% designation, the largest garage would be 256 SF, equivalent to a 16’ x 16’ space. We need a real garage that can be used to repair our vehicles and provide storage for many tools, equipment and a collection of motorcycles that have been stored away, awaiting Gerry’s retirement, in which he intends to pursue his hobby and otherwise tinker. I intend to pursue my art in the upstairs. We feel this is a reasonable request, since the residence is somewhat incomplete without a garage, especially for creative and hands-on people like ourselves. Gerry was hoping for a much bigger garage, but understands there are limits – though this is the one we were not expecting.

We are pleased Red Hook has a master plan, and that there are limits to the amount and kinds of development that can happen, however, I have lived in my house in Barrytown, since 1982, and am upset that when I bought it in 1992, these rules did not apply and I never received any notification when the rules changed. In 2002 I built a shed and discovered I needed a Hamlet Review, but no one told me about the 5% land coverage then, either. Since becoming aware of this, I found on the Town’s website, it appears that the master plan was being worked on in 1990, and then implemented in 1993, a year after I bought my house. Evidently, I slipped through the cracks as far as being notified. Also, I searched through the Town website and found it very difficult to find the 5% rule. I wonder if I’m missing something or whether the Town could be more pro-active in making these rules more accessible and obvious.

Back when I bought my house, I couldn’t dream of affording a garage, but now that I can, I’m discovering rules I did not know existed. I hope you will take this into consideration in making a determination that affects our life and our home as we increment into retirement. Sincerely, Cary Kittner and Gerard Kelly.”

The Board and applicant review and discuss the photographs representing views of her property from Station Hill Road, and Wildey Road, and also renderings of the same views inclusive of the proposed garage. Kate Karakassis asks Ms. Kittner if she plans to remove the outbuilding currently occupying the location of the proposed garage, to which Ms. Kittner replies she intends to move the outbuilding to a location closer to her rear lot line, shown on what she refers to as her plot map. Ms. Kittner states she would prefer not to have to remove this outbuilding, since she states, she built it herself, and further states she will still be over the 5% lot coverage without it. Chairman Annas asks applicant Cary Kittner to state the size of the existing outbuilding, which currently occupies the location of the proposed two-story, detached garage. Ms. Kittner states it is 12' x 18'. Kate Karakassis asks Ms. Kittner if there is a rendering showing the house, the proposed garage and the proposed location of the outbuilding, to which Ms. Kittner suggests the Board review the actual and proposed views from Wildey Road first, and then look at the map, and notes in the proposed location, the outbuilding, currently located where the proposed garage will be located, will not be visible from--. Jim Hegstetter asks Ms. Kittner to confirm she plans to relocate the 12' x 18' outbuilding way back, to the rear of her property, which Ms. Kittner confirms. Victoria Polidoro asks Ms. Kittner to confirm there are two outbuildings on the property, which Ms. Kittner confirms, and states she plans to move them to different locations on the property. Ms. Kittner further states the smaller of the two outbuildings measures 11' x 9'. The Board asks her to indicate on her drawing the precise location she is proposing, and also requests she provide a survey of the property, and also requests precise information regarding the setbacks for the two, existing outbuildings, in the proposed locations. Chairman Annas states the photograph of the 12' x 18' outbuilding, in its current location, next to her house, looks like a one-car garage, and asks Ms. Kittner to state the current rear lot line setback. Ms. Kittner replies she is looking through the paperwork to find it.

Chairman Annas asks Ms. Kittner to describe the floorplan of her proposed garage, to which Ms. Kittner replies it will be a studio with water and electricity, and further states it will be the same size as the lower portion of the proposed garage. Ms. Kittner further comments she did not want to spend money on drawings before she got the variance, and informs the Board her consultant on the project is Tim Ross.

Chairman Annas asks Ms. Kittner if she is planning to put an apartment above the garage, to which Ms. Kittner replies she is not. Victoria Polidoro states the Board cannot restrict the variance to not include an apartment, since the variance is for lot coverage. Ms. Polidoro asks if an apartment is allowed in the Barrytown Hamlet District, and informs the applicant she would have to speak to Zoning Enforcement Officer, Bob Fennell. Chairman Annas notes there is a precedent in Barrytown, with a garage that was turned into an apartment. Victoria Polidoro notes the increased footprint have the potential to result in overdevelopment of the lot and storm-water issues, and that the Board should be looking at these factors. Jim Hegstetter states he understands her variance is for lot coverage, and further notes the Board will be looking at her variance request, with the understanding she wants to keep both sheds, and in consideration of the effect it would have on the neighbors, in particular the neighbor to the rear, since the proposed location for the 12' x 18' outbuilding is near the neighbor's fence. Jim Hegstetter informs the applicant the Board will set a public hearing. Ms. Kittner states she has spoken to her neighbor, whose garage is on the other side of the fence.

Chairman Annas informs the applicant she may elect to keep both outbuildings, currently on the property, but further comments there may be impacts to the neighborhood if she wishes to locate them near the neighbor's fence, and further comments a building permit is not required for the

11' x 9' outbuilding, and asks if it is included in the lot coverage calculation, to which Ms. Polidoro replies the Board can confirm this with Mr. Fennell for the next meeting.

Jim Hegstetter asks Ms. Kittner to provide her current lot coverage numbers for each outbuilding. Ms. Polidoro states both sheds together are less than the size of the proposed garage. Chairman Annas states the two outbuildings are approximately 50% of the coverage in lot coverage, when the proposed garage is added in. Chairman Annas also comments they equal about 256 SF, or less than 5% coverage.

At 7:45pm Chairman Annas asks for a motion to declare the proposed action Type II under SEQRA. Jim Hegstetter so moves, Kate Karakassis seconds, and all Board members present are in favor.

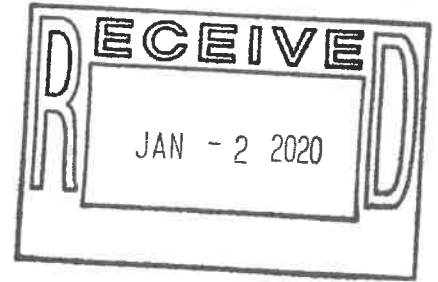
At 7:46pm Chairman Annas asks for a motion to set a public hearing for ZBA 19-13 Kittner, for February 12, 2020 – first on the agenda after preliminary business. Jim Hegstetter so moves, Kate Karakassis seconds, and all Board members present are in favor.

Clerk Anne Rubin provides the applicant with a copy of the Cost of Certified Mailing Memorandum, and Jim Hegstetter informs the applicant the purpose of the public hearing is to notify the applicant's neighbors, and give them an opportunity to respond. Chairman Annas asks Ms. Kittner if she has any objections to the Board visiting her property, to which she replies she does not. Chairman Annas recommends Ms. Kittner talk to her neighbors, and inform them of her project, so it is not a surprise when they receive a public hearing notice.

At 7:52 pm Chairman Annas asks for a motion to adjourn the meeting. Jim Hegstetter so moves, Chris Carney seconds, and all Board members present are in favor.

The next regularly scheduled ZBA meeting will be held on Wednesday, February 12, 2020 at 7:00pm, in Town Hall. The submission deadline for this meeting is **noon**, Friday February 05, 2020.

**TOWN OF RED HOOK PLANNING BOARD  
Revised<sup>1</sup>, Approved MEETING MINUTES  
July 15, 2019**



Chairman Sam Phelan called the meeting to order at 7:30 pm.

A quorum was determined present for the conduct of business. Members present: Sam Phelan, Bill Hamel, Lisa Foscolo, Kristina Dousharm and Brian Kelly. Also present was planning consultant Michele Greig. Member absent was Kallie Robertson.

Chairman Sam Phelan asked the Board if it had had a chance to review the minutes from the July 1, 2019 meeting, and tabled the discussion regarding the minutes for the next meeting, since several members had not had a chance to review them.

**PUBLIC HEARING**

**LA Commons – Amended Site Plan 2019-3**

Public Hearing for an application to amend a previously approved site plan for a multi-family dwelling in a 6.3 acre parcel in the RD1.5 Zoning District.

Chairman Phelan noted an Amended Site Plan application is required to have a public hearing, just as a Site Plan application would. Chairman Phelan confirmed the public hearing was noticed prior to the July 4<sup>th</sup> holiday, and noted this was a presentation of the final site plan, and asked applicant Lindsay Schultz and her contractor, Matthew Braydich to present the amendments to the original project.

Matthew Braydich, of Cort Contracting, indicated the changes to the previously approved site plan, illustrated on the smart screen, as follows:

- The existing driveway was moved due to grading and DOT requirements, and guardrails,
- The original sidewalk angle changed to a position a little less close to the house,
- The landscaping angles were changed, and original and revised plantings were noted, as a result of conversations with the excavating company, Sam Phelan, and Crawford & Associates engineering firm,
- A generator, as a backup power source for the sprinkler system was installed, and noted on the plan,
- A 2000 gallon, underground holding tank for the sprinkler system was installed, and noted on the plan,
- The propane tank was relocated underground
- Mr. Braydich noted the septic remained unchanged from the original Site Plan, though the primary and reserve systems are now correctly labeled,
- Mr. Braydich also noted the parking lot lighting recommended by the Town engineer was too cost prohibitive, resulting in the selection of a lower priced option, with the same or less lumens and color temperature, also approved by the Town engineer. Mr. Braydich further noted the exterior lighting is oriented downward, the motion lights are 3000 K temperature, and finally, that the Town engineer approved the new light fixtures, and the bulbs:

Mr. Braydich noted a letter, from the Town engineer, mentioned an area on the plans and asked if there was a deck, to which Mr. Braydich replied there is no deck, and the noted structure is an 8'x8' bump-out to ease the grading from the side of the house down to the driveway. Mr. Braydich stated the plans had been submitted and approved by Town Building Inspector, Steve Cole. Mr. Braydich confirmed with Chairman Phelan and Michele Greig he had addressed every point in the GreenPlan Memo, pursuant to

the project. Chairman Phelan asked the Board for further comments. As there were none, he asked for a motion to open the public hearing. Bill Hamel so moved, Lisa Foscolo seconded, and all Board members present were in favor. Chairman Phelan asked if Board members had visited the site, and if there were any questions. As all had visited the site, and there were no questions, Chairman Phelan asked for a motion to close the public hearing. Brian Kelly so moved, Kristina Dousharm seconded, and all Board members present were in favor.

The Board and Michele Greig reviewed the conditions of approval, noted in her memo to the Board, and in the Amended Site Plan Approval, as follows:

The landscaping maintenance requirement, by the owner of record, must be noted on the Amended Site Plan.

The title block must read "Amended Site Plan For Multi-Family Residence", with the correct date.

All fees and escrow must be paid.

The revised, Amended Site Plan, must be submitted in 4 copies, in the required format, to the Planning Office for signature.

The above conditions must be satisfied for the applicant to obtain a Certificate of Occupancy.

Chairman Phelan asked the Board for a motion to conditionally approve the Amended Site Plan. Kristina Dousharm so moved, Lisa Foscolo seconded, and all Board members present were in favor.

## **NEW BUSINESS**

### **Bear-Lynch Special Use Permit 2019-2**

Presentation of application to construct a two car, detached garage, less than 100 feet from a NYSDEC wetland, on a 0.6 acre parcel, in the RD3 Zoning District.

Chairman Phelan noted the parcel is in the Institutional Zoning District, which he thought was possibly an error. Timothy Lynch, the applicant's representative, noted the applicant came to the Planning Board in 2005, for a Special Permit, to add a bathroom onto his house. Michele Greig commented there were a number of nearby properties on that side of the road, which were zoned Institutional, and thought perhaps they had been at one time owned by the Institutional Facility occupying the parcel on the opposite side of the road. Ms. Greig comments the variance would have still been required in the RD3 Zoning District. Ms. Greig also noted any parcel divided by a road automatically becomes two parcels, which could also be in two different zoning districts. Chairman Phelan asked Mr. Lynch, to indicate the precise location of the house and parking area on the parcel, which he noted sits between the roadway and Spring Lake, on a small rise. Mr. Lynch indicated the position of the driveway, and noted it will be set back one foot from the setback of the house. Chairman Phelan asked if the house meets the front yard setback requirements, and commented it is not in a Hamlet District, and so there are no design requirements. Bill Hamel commented the house, according to the GreenPlan Memo, is thirty percent larger than is permitted by zoning, and stated he is not certain this calculation includes the 2005 bathroom addition. Mr. Lynch stated he does not know. Michele Greig noted 5% lot coverage is allowed in the District, 9% is what is currently existing, and the proposed garage would bring it to 12%. Kristina Dousharm commented the Board is uncertain whether or not the existing 9% includes the 2005 bathroom addition, with which Ms. Greig agreed. Chairman Phelan and Michele Greig agreed even if the lot were in the RD3 Zoning District, the permitted lot coverage would only be increased to 7%, and that the applicant has already surpassed the RD3 District's permitted lot coverage. Ms. Greig stated the existing non-conformity would be increased, which is why a variance would be required. Chairman



Phelan noted he spoke with Town Building Inspector, Steve Cole, about this project, and stated Mr. Cole also agreed a variance would be necessary. Ms. Greig noted the project is before the Planning Board because the project is within the 100 foot wetland buffer, and also noted, in addition to the Planning Board Special Permit, the applicant would need a New York State Freshwater Wetlands Permit. Chairman Phelan and Michele Greig confirmed with Mr. Lynch he is aware of this, and Mr. Lynch stated he is already working on it. Michele Greig noted the parcel is within the 100 foot NYSDEC buffer for freshwater wetlands, and further commented the Board would need at least conceptual NYSDEC approval before moving ahead. Bill Hamel asked if the applicant would need to come before the ZBA first, to which Michele Greig replied they would. Chairman Phelan asked Mr. Lynch what the applicant's time frame is on the project, to which Mr. Lynch replied they would like to get going on the project. Chairman Phelan commented the applicant would have to get the NYSDEC Permit, and the ZBA variance before coming back to the Planning Board. Michele Greig commented it is a Type II Action, as a minor accessory building, and further noted, since the applicant started with the Planning Board, the Board could go ahead and classify it as such under SEQR.

Chairman Phelan asked if the Board is comfortable with the project, since he does not want to send the applicant out to get approvals and variances, if the Board is not comfortable. Bill Hamel stated he is not since the applicant's request more than doubles the permitted lot coverage, and further stated since the parcel is within the NYSDEC 100 foot wetland buffer, he stated he wants to review the DEC response, to see if it would alleviate his concerns. Chairman Phelan commented if the DEC were to find no impacts to the water quality, the the issue of runoff into the lake might come up. Mr. Lynch stated the applicant was planning to install a rain garden, and an unpaved, gravel driveway, to mitigate runoff. Michele Greig commented the applicant will have to include the driveway in the calculation of lot coverage, to which Mr. Lynch replied it is not yet included in the lot coverage calculation. Kristina Dousharm asked Mr. Lynch to indicate the location of the septic system, and noted the applicant is limited in space, to redo the septic system, because he is using the available space for the proposed garage, and further noted the existing septic is on a very small area. Ms. Dousharm also noted if the applicant was simply repairing the existing system, he would not have to meet current code requirements, which would only come into play, if the applicant were replacing the system. Ms. Dousharm informed the Board the septic system would only have to be updated if the applicant changed the number of bedrooms, and further noted the addition of a bathroom does not trigger a requirement to update the system. Chairman Phelan commented he did not know how old the existing septic system is. Michele Greig commented the NYSDEC would probably review the existing septic system as part of the freshwater wetland permit application.

Michele Greig recommended Mr. Lynch include the driveway and the 2005 bathroom addition in the lot coverage calculation before going to the ZBA, and noted the calculation could end up being higher than what is stated in the Planning Board application. Mr. Lynch stated the lot coverage could end up being close to what is stated, since the dimensions of the driveway will not change very much from the existing driveway. Kristina Dousharm asked what was planned for the upper level of the garage, to which Mr. Lynch replied it would be a storage space. Chairman Phelan asked Mr. Lynch if the garage would have plumbing, to which Mr. Lynch replied it would not, just an exterior hose. Brian Kelly and Lisa Foscolo stated they would wait for the DEC response before deciding whether or not they were comfortable with the project. Mr. Lynch presented the Board with the 2005 Bathroom Addition Planning Board application. Michele Greig asked the Planning Office to find a copy of the 7-1-2005 Approval for the Special Use Permit associated with the bathroom addition. Chairman Phelan asked for a motion to declare the proposed Action Type II under SEQR. Bill Hamel so moved, Lisa Foscolo seconded, and all Board members present voted in favor.

## **Mead Orchards – Sun Common Site Plan 2019-4**

Presentation of application to install a Medium-Sized Solar Energy System, as roof mounted solar panels, at Mead Orchards, in the AB Zoning District.

The applicant's representative, Lea Springstead, of Sun Common, stated the project is for a roof-mounted, solar energy installation, comprising 123 395 Watt solar panels, measuring a total of 2,699 SF, divided between a larger storage and packing shed, having 2084 SF of panels, and a smaller garage-workshop having 614 SF of panels. Chairman Phelan asked her what would be the system's output, to which Ms. Springstead replied direct current would be 48.5, and alternating current would be 40. Chairman Phelan asked Michele Greig to go through the GreenPlan Memo, pursuant to the project. Ms. Greig stated the project was in the Agricultural Business Zoning District, and would only need Minor Site Plan Review, with no public hearing, and the proposed Action would be Type II under SEQR. Chairman Phelan asked Ms. Springstead to state the purpose of the installation, to which she replied it would be for farm use, and would generate a range of electricity less than is currently required up to 110% of that. Michele Greig commented no signage is permitted, except for the manufacturer's badge, which may only be 36 square inches in size, and contain emergency contact information, which Ms. Greig noted, should be included on the project Site Plan. Ms. Greig also stated the Board needed to confirm the panels were being mounted on lawfully permitted buildings for such a use, and further noted the installation must not exceed height requirements of the zoning district, and cannot exceed the highest point of the roof, and be installed at the same angle as the roof. Ms. Greig also noted the applicant would need a NYS Unified Solar Permit, as a condition of approval. Ms. Greig notified the Board it would need to confirm there was nothing prohibiting a project of this type in the conservation easement. Chairman Phelan, commented the installation would also have to be approved by the utility if it is going to be hooked up, and also. Ms. Greig asked Ms. Springstead if she already had the interconnection agreement with the utility company, to which Ms. Springstead replied she did have it. Chairman Phelan asked if the easement was held by Dutchess Land Conservancy, to which Ms. Springstead replied she was not sure. Michele Greig noted the Agricultural Data Statement submitted by the applicant would have to be revised to include the farm operations on the opposite side of the road. She also notified the Board and Ms. Springstead the application would have to be sent to Dutchess County Planning for review, but that a public hearing was not required.

Kristina Dousharm recused herself, since Sun Common is her client. Chairman Phelan asked the Board for any further questions, and there were none. Chairman Phelan asked for a motion to classify the project as Type II under SEQR. Lisa Foscolo so moved. Bill Hamel seconded and all Board members present were in favor. Michele Greig noted the applicant would need to submit the revised site plan to the Planning Office, for the next meeting on August 5, 2019.

## **OTHER BUSINESS**

### **Extension request – Preserve at Lakeskill (tabled from the 7-1-19 meeting)**

Chairman Phelan asked Mike Bodendorf, representing the applicants, to update the Board regarding the June 20 meeting with the Town Highway Superintendent, and also asked for an estimated time frame for the applicants to obtain a permit to build the road. Mr. Bodendorf stated the applicants' geotechnical engineer needed to provide a letter to the Town, stating the road could be constructed

within the allowed ROW, and stated he expected this to add approximately one week to construction. Mr. Bodendorf also stated there was one revision to the drainage easement, and further stated there would be updates to the performance bond to include the cost of drilling and hydraulics, and a schedule. Mr. Bodendorf responded he expected to have the updated road bond by the middle of next week, and the revised drainage easement by the end of this week. Chairman Phelan asked if the Town attorney was in agreement with all of this at the meeting, to which Mr. Bodendorf replied she was. Chairman Phelan also asked if the Town engineer had agreed to allow the applicants' engineer to do the drilling, to which Mr. Bodendorf replied the Town engineer had agreed verbally. Mr. Bodendorf added Crawford Engineering had not asked for additional plans at the meeting. Chairman Phelan asked Mr. Bodendorf to state what needed to occur, before the Town Highway Superintendent could make a decision. Lisa Foscolo asked Mr. Bodendorf if he could get clarification on what is needed from the Town engineer, to which Mr. Bodendorf replied he would follow up the Town engineer to confirm whether or not anything additional would be needed. Chairman Phelan also asked Mr. Bodendorf to have a conversation with the Town Highway Superintendent regarding what needed to happen in order for the applicants to submit a formal application for a road permit, and recommended the applicants get the performance bonds and easement squared away, as well as confirm with the Town engineer regarding the plans. Chairman Phelan asked if a 90 day extension was sufficient, to which Mr. Bodendorf replied he thought it would be. Chairman Phelan asked for a motion to grant a 90 day extension, retroactive to June 30, 2019, to the Preserve at Lakeskill Project. Lisa Foscolo so moved, and Brian Kelly seconded. Chairman Phelan, Brian Kelly, Lisa Foscolo, Kristina Dousharm voted in favor of the extension, and *Bill Hamel recused himself*.

#### **Extension request – Rose Hill Farm**

Chairman Phelan noted the applicants were waiting on Dutchess County BOH approvals for new water and septic, and asked for a motion to grant the requested 90 day extension. Brian Kelly so moved. Lisa Foscolo seconded, and all Planning Board members present were in favor.

#### **Discussion – Sawkill Dam Removal**

Board member Bill Hamel stated he attended a meeting, on Chairman Phelan's behalf, with Town Historian, Emily Majer, and Hudson River Heritage representative, Warren Temple Smith, Town Supervisor, Robert McKeon, and *Managing Director of Montgomery Place, Amy Husten*. Mr. Hamel reported the NYSDEC Estuaries Program wants to demolish one of two dams, above the waterfall, on land owned by Bard College, for research purposes, to better understand if dam removal would improve upward migration of eels. Mr. Hamel noted there are over 3000 private dams in New York State, but only the two on the Sawkill had the same landowner on both sides of the water, which simplifies the permitting process. Mr. Hamel also stated the Dam is listed on the National Historic Register as a contributing feature, and Michele Greig commented it is referenced in historic documents.

Mr. Hamel stated the Dam is 200 years old. Mr. Hamel stated Bard College, for the past two years, has not wanted to demolish an Historic Register feature, and also stated the NYSDEC has offered Bard College an unrestricted grant of \$350,000, for educational purposes to demolish the dam. Brian Kelly asked what the criteria were for obtaining the grant. Bill Hamel stated Bard would have to obtain a permit from the Planning Board, and informed the Board, Town Supervisor, Robert McKeon stated at the meeting, that Bard could go ahead and get the grant, but obtaining it would provide no guarantee that they would receive approval from the Town. Michele Greig stated in order to receive funding from New York State, Bard would also need approval from the New York State Historic Preservation Office (SHPO). Bill Hamel commented SHPO is very opposed to removing the dam, and added Hudson River

Heritage is also opposed. Michele Greig noted she had heard of an iteration of the project in which would remove the dam, but keep the lake, and further stated she was not sure how that would work. Bill Hamel commented this was discussed at the meeting, but it was not clear if this was being considered. Hamel commented Bard was only interested in removing the lower dam, and further noted the upper dam was the site of the Bard Micro Hydro project. Mr. Hamel further noted the eel ladders are already in place, and reiterated the lower dam is 200 years old, and so adaptation to the current environment has long since taken place. Mr. Hamel also stated he felt cautious about the project, since the Sawkill also supplies water to the Town. Chairman Phelan noted Historic Hudson has easements for Montgomery Place, of which the dam is a major feature. Lisa Foscolo noted the grant money is not so much in terms of Bard's overall needs. Brian Kelly agreed, but noted the grant would allow Bard to do some things it would not otherwise be able to do. Bill Hamel commented there is deferred maintenance on the dam that would end up costing Bard money, and if the dam is removed they will also save on this maintenance, in addition to the grant money. Chairman Phelan asked the Board to visit the site.

#### **Discussion – August 2019 Meetings Quorum Check**

Chairman Phelan asked all Board members present to confirm their availability for the August 5 and August 19, 2019 meetings. On August 5 Chairman Phelan and Kallie Robertson will be absent, and Brian Kelly will chair the meeting, with Kristina Dousharm recusing herself from the Mead Orchards Solar Panel discussion. On August 19 Chairman Phelan, Lisa Foscolo, and Kristina Dousharm will be absent, and Kallie Robertson will chair. Brian Kelly's availability for this meeting remained unconfirmed. Chairman Phelan commented prospective Planning Board member, Vanessa Kichline, would have to attend both meetings for there to be a quorum. Chairman Phelan and the Board also confirmed there would be a September 16, 2019 Planning Board meeting, but did not presently confirm a quorum.

#### **ADJOURNMENT**

There being no further business before the Board, Bill Hamel made a motion to adjourn. Kristina Dousharm seconded and all members present voted in favor.

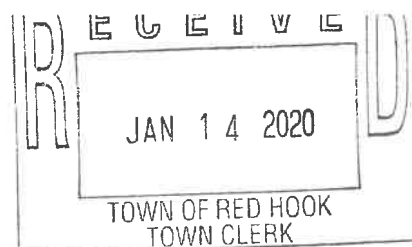
Respectfully submitted,

Anne Rubin, Assistant to  
Kathleen Flood  
Clerk for the Board

EXHIBIT B

**TOWN OF RED HOOK  
Zoning Board of Appeals**

**VARIANCE RESOLUTION**



Application #: 19-12 Bear-Red Hook Engineering

Grid #: 6473-05-012773

Introduced by: **James Hegstetter**  
Seconded by: **Christopher Carney**

Date: **January 08, 2020**

The Town of Red Hook Zoning Board of Appeals, at a meeting duly convened on **December 11, 2019**, reviewed the facts in Application # **19-12** as submitted by **Timothy Lynch, of Red Hook Engineering, and Philip Zemke, RA., Mr. Lynch and Mr. Zemke represent Steven Bear, the property owner.**

**WHEREAS**, the application was determined to be a **Type II** Action under the State Environmental Quality Review Act, Section 6NYCRR Part 617, and

**WHEREAS**, said application requests one (1) area variance or adjustment to the strict application of the Zoning Code, specifically regarding the construction of a detached, 720 SF, two-car garage, which will result in an 11% building coverage, in the **Institutional** district of the Town, and

**WHEREAS**, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on **December 27, 2019**, and posted as required by law, and

**WHEREAS**, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

**WHEREAS**, all testimony has been carefully considered and the following pertinent facts noted:

**1. No neighbors have spoken out against the project. One neighbor, at 383 Spring Lake Rd. wrote the ZBA a letter, dated 12-30-2019, stating he had no objections to the proposed garage, as described in the public hearing notice. Neighbors at 391, 471, 487, 465, 425, 491, 347, and 455 Spring Lake Road each signed a copy of a generic form stating they had no objections to the proposed garage.**

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**2. The applicant has agreed to remove the smaller of two, existing outbuildings.**

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**3. The purpose of the Institutional Zoning District is for large scale campus development, and the small lot coverage allowance, in the District, impacts a relatively small lot, such as the subject parcel, more than a larger one.**

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**4. Environmental questions regarding the subject parcel's location on Spring Lake, will be addressed by the Town Planning Board, and by the New York State Department of Environmental Conservation, since the applicant has applied for a NYSDEC Freshwater Wetlands Permit to construct the proposed garage.**

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**5. At the Review Meeting, on 12-11-2019, representative for the applicant, Tim Lynch, stated the proposed garage would have a second story for storage, and no plumbing other than an exterior hose bib.**

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**6. The applicant's representative, Tim Lynch, has stated, at the review meeting, of 12-11-2019, the current driveway is gravel.**

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**NOW THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application # 19-12 Bear-Red Hook Engineering, a request for one (1) area variance from Section 143-12 the District Schedule of Area and Bulk Regulations, as set forth above, be **conditionally granted**, provided that the applicant remove the smaller of the two existing outbuildings on his property, and that all outstanding fees and escrow be paid in full, on the following grounds:

1. The variance requested will not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties, since the proposed garage will not hamper the neighbor's view of Spring Lake, and since it is consistent with the neighborhood development, and since it will improve the appearance of the property, and since no objection from neighbors or others have been presented to the Board.
2. The needs of the applicant can not be achieved by other than an area variance, since the applicant has applied for a two-car detached garage, of 720 SF, for a total of an 11% lot coverage, on an existing, non-conforming lot, which already has 8% lot coverage in a Zoning District which permits a maximum of 5% lot coverage.
3. The requested variance is numerically substantial, since the requested variance represents a more than 50% enlargement of the permissible lot coverage. All Board members present also find, however, the impacts associated with the proposed garage are not substantial, since it is consistent with the neighborhood.
4. The requested variance will not affect the physical or environmental conditions in the neighborhood, since drainage and runoff impacts will be mitigated with a rain garden, and the existing gravel driveway.
5. The hardship for which the variance is sought to rectify was self-created.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted:

Chairman Nick Annas YES

ZBA Chair:

Nick Annas / ar

James Hegstetter YES

Christopher Carney YES

Christopher Klose ABSENT

Kathleen Karakassis YES