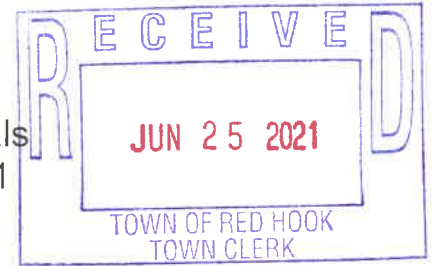


Town of Red Hook Zoning Board of Appeals
Revised, Approved Minutes May 12, 2021



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REVIEW OF PLANNING BOARD MINUTES AND COMMENTS FROM THE CHAIR

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Public Hearing

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Chairperson Karakassis notes, though the Planning Board is Lead Agency, it has requested comment from the ZBA regarding environmental impacts. Chairperson Karakassis asks the Board members present if they have any comments regarding environmental impacts, they wish to share with the Planning Board, to which Jim Hegstetter replies he has seen the email, and has no further comments. Chris Carney states he has no comments. Chairperson Karakassis states the ZBA will accept the Planning Board's determination, since there are no other opinions.

Chairperson Karakassis invites the applicant to present his proposal prior to opening the public hearing. Zak Hall, of architecture firm KDA+FD, representing applicant Dennis Kanuk, states the proposal consists of relocating an historic diner structure to the subject parcel, to create a donut shop, and removing a single-family residence, currently on the property. Mr. Hall states, since the April 14 ZBA meeting, the applicant has removed the fencing from the Site Plan, and moved the donut shop to the south, to address Planning Board's request for future options to meet the frontage [building façade] requirements in the TND-CC. Mr. Hall further comments the applicant has added a green space to the north, added street trees, and is planning improvements to the Bottini building to make it more compliant with TND-CC zoning.

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Chairperson Karakassis asks Mr. Hall to confirm that the applicant's aesthetic vision would be made less pleasing by complying with the zoning requirements for minimum building height, and façade length, which Mr. Hall confirms, further stating the historic dining car has a certain height and dimensions. Jim Hegstetter states there are limitations because of the nature of the building. Mr. Hegstetter further states he is concerned about the frontage [building façade length], and limiting it, and states he is not sure what the other possibilities would be.

Mr. Hall reiterates the architectural and site limitations, stating a bigger building would not work with the septic system, and comments if the applicant increased the building size the site could not support it.

Chairperson Karakassis asks if there is a revised drawing that reflects the changes to the septic system, and asks what the new perc tests are referring to. Mr. Hall replies the tests revealed the oils are not well-drained, and the septic system needs to be 50% larger than originally planned. Mr. Hall further states the Bottini building does not have to be a restaurant and retail operation, and notes, the applicant, however is looking to make some use of the building. Chairperson Karakassis asks Mr. Hall how far the applicant can go to comply with zoning, further noting the applicant has not yet demonstrated nothing is possible. Mr. Hall states the proposed frontage [building façade length] is a stepping stone. Chris Carney asks the applicant why the proposed diner site has been moved 20 feet to the south, to which Mr. Hall replies the Planning Board and Dutchess County Planning Department asked that the building be moved to the south to provide more green space, and options for future development to the north. Kate Karakassis states the applicant needed, under the General Municipal Law, a vote of four Board members in favor to receive a variance, but if he moves the building, as requested, he will only need a vote of three.

Chairperson Karakassis asks the applicant what will happen to the diner, if the donut shop is not viable, and further asks if it would be moved elsewhere. Rhiannon Jones and Dennis Kanuk reply they have no intentions of moving the diner elsewhere. Chairperson Karakassis asks the applicant if they intend to pursue structural changes to the diner, which would preclude it from ever being moved off the site on the subject parcel, to which Mr. Kanuk replies no. Chairperson Karakassis asks the applicant what he intends to do with the northern section of the subject parcel, to which Mr. Kanuk replies it will be used for parking and wastewater infrastructure. Mr. Kanuk further comments if no municipal sewer is available, the site cannot be further developed. Rhiannon Jones states the owner of the adjacent parcel to the north does not wish to sell, and further comments they may be able to work something out with this land owner.

Chairperson Karakassis refers to the revised Site Plan, page A002.002-4, stating four parking spots were lost between this and the previous iteration. Mr. Kanuk states the previous drawing showed parking for the Bottini building as a full restaurant use, and the present drawing reflects the number parking spots for a smaller restaurant, and a refuse area.

At 7:43 pm Chairperson Karakassis 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.

Alan Monarchi, residing in the single-family residence, states he is not in favor of the proposal, since he will be losing his home, and has not been able to find another such property to rent in Red Hook, where his children attend school. Mr. Monarchi states the applicant should use the existing building for the donut shop. Mr. Monarchi, addressing the Board, asks if the applicant was aware of the zoning requirements prior to purchasing the subject parcel, to which Mr. Kanuk replies he and Ms. Jones checked the zoning, and further notes they are still in contract for the purchase of the parcel. Mr. Kanuk also states he intends to look for a 2000SF restaurant and 1000 SF retail operation as tenants for the Bottini building.

Steve Cole – not the homonymous Town of Red Hook Building Inspector, of Rokeby Road, states the proposal does not fit in with the Master Plan, and further states the site of the former Bottini Garage will have soil contamination.

Sam Harkins states he was on the Planning Board for 14 years, and oversaw the Plimpton Hills, and Ruge's Building, which were existing structures at the time of the adoption of the TND-CC zoning. Mr. Harkins further states he attended some 200 meetings of the working group which created the TND-CC. Mr. Harkins states these two sites complied as much as they could with the new zoning requirements, and further states reconfiguring the subject parcel, per the applicant's request would create a precedent, which would forever alter the zoning requirements of the TND-CC. Mr. Harkins states the Town risks being sued if future requests for variances, based on the current request, are not granted, if this current request is granted.

Mr. Harkins states much thought and planning went into the creation of the TND-CC, and further comments existing structures in the District did not have to comply with the new zoning requirements. Mr. Harkins states the Board is now entertaining a request for a new structure needing significant variances. Mr. Harkins states, regarding the septic issue, there are other commercial zones in Red Hook, and other Towns, which may not have the same constraints. Mr. Harkins states the ZBA should vote to uphold the zoning as it has been written and adopted.

Victoria Polidoro states one of the standards for granting or denying a variance is weighing the benefit to the applicant versus the detriment to the community. Mr. Hall asks Ms. Polidoro when the TND-CC was created, to which she replies in 2011 and she further asks how many projects have there been in the TND-CC since its adoption. Sam Harkins replies the Traditions subdivision behind the Lyceum Theatre complied with every zoning requirement of the District. Mr. Harkins states the Plimpton Hills and Ruge's Building involved the re-use of an existing building. Mr. Harkins states the current proposal involves a new building, further stating he does not think the requested variances should be granted. Zak Hall states the zoning requirements for the TND-CC are more stringent in the CC area than the TND area of the District.

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Anne Rubin

From: Alan Monarchi <amonarchi@gmail.com>
Sent: Wednesday, May 12, 2021 12:41 PM
To: Anne Rubin
Subject: Re: Town of Red Hook ZBA April 14, 2021 Meeting video link

Thank you Anne,

to the Zoning Board members: These are my public comments in regards to the variances that Mighty Donuts (Dennis Kanuk & Rhianon Jones) are seeking at 7269 S.Broadway in Red Hook

I have cut and pasted a section of the TND code below and added my comments to it in a different font.

§ 143-49.1
Traditional Neighborhood Development District.

[Added 7-12-2011 by L.L. No. 3-2011]
(NOTE: This section incorporates design concepts and images from the "SmartCode Version 9.0" authorized by Duany Plater-Zyberk & Company.)

A.

Purposes.

(1)

In conformance with the Town of Red Hook Comprehensive Plan, the purposes of the Traditional Neighborhood Development District (TND District) are as follows:

(a)

To ensure that development adjacent to the Village of Red Hook is designed to conform to the Village's traditional compact, pedestrian-oriented and mixed-use neighborhood pattern.

AM==> This proposed plan, as written does NOT support mixed use. It supports SINGLE use - trying to make money. It eliminates the mix.

(b)

To extend greater opportunities for traditional community living, working, housing and recreation to residents of the Town.

AM==> Housing? This ELIMINATES my home where I have spent the last 9+ years. I look daily and there isn't a similar, suitable replacement in Red Hook. This project does absolutely NOTHING to extend greater opportunities for housing in Red Hook. In fact, it does the opposite, it ELIMINATES housing for 3 residents.

Recreation? We have a beautiful town park 2 miles away. Using my existing side yard on the north side for a fire pit and Adirondack chairs is NOT adding recreational space. What parent is going to let their kids play that close to a major road that is very busy (Route 9)? Not to mention cars that will ultimately be passing through when other businesses open back up where Rusty's, HV Motorcars, The Bagel Shop and Butler Carpet used to be located before those buildings were destroyed by a fire. There won't always be an empty lot just to the north of this property.

(h)

To provide a range of housing types and price levels to accommodate a variety of age and income groups and residential preferences.

AM==> The housing you are eliminating is effectively economically pushing me out of my hometown. I am a lifelong resident of Dutchess County. I moved away from Red Hook for 5 years and then back to RH in 2001 when my children were toddlers. With the effects of the pandemic and the rising prices in the real estate market, if this variance is granted, it is in DIRECT opposition to the intent of the TND zoning - to EXTEND housing opportunities. All it does is force Red Hook to only be accommodated by folks at HIGH income levels.

I feel like the Planning Board is being baited by the promise of a patio and a fresh coat of paint to make the old Bottini Fuel/Noah's Ark antique building more esthetically pleasing. If you want that site to look better (both buildings are on one parcel), I'll paint the front and side myself (those visible from Route 9). I don't feel like the variances for the proposed diner should be granted just to put an outdoor patio and a fresh coat of paint on a different building than the Mighty Donuts diner.

I'm not sure how gourmet donuts&coffee are going to be supported when there are a half-dozen other similar businesses within walking distance who are still feeling the effects of the pandemic. The plans are nice, but the location, and not conforming to existing zoning regulations is why I feel this project would be far better suited to actually "serve the community" at an alternate location.

In regards to the 2nd variance, additionally, the plans are NOWHERE near the 70% required road frontage either. They are less than 50%.

Thank you for your time and attention to this matter.