

**Village of Rhinebeck**  
**76 East Market Street**  
**Rhinebeck New York 12572**

**Village of Rhinebeck Zoning Board of Appeals Minutes**

**April 20, 2017**

**Beginning at 7:00 p.m.**

**Present:** Chairman Colton Johnson, Allan DeKrey, Judy Merritt, Ward Stanley, Alternate Brant Neuneker, Zoning Officer John Fenton and Village Conflict Attorney Kyle W. Barnett.

**Absent:** Rachel Cavell.

**Agenda:**

**John R. Marvin Esq.**

**29 Mill St.**

**Public Hearing**

**Interpretation of ZEO determination re: Amalgamated Agric. Assoc. allowable use  
Located at 6282 Route 9**

Chairman Colton Johnson brought the meeting to order. He explained that the Board kept the public hearing open so that any written submissions could be considered. A few letters were submitted and have been read by the Board.

**A motion** was made by Al DeKrey, seconded by Judy Merritt, to close the Public Hearing.

Aye: 5      Nay: 0      Abstained: 0      The motion was carried by a 5 to 0 vote.

Chairman Johnson said it was time for the Board to discuss the case before them. The primary question is whether the Zoning Enforcement Officer (ZEO) was within or exceeded his responsibilities in the decision he made December 8, 2016.

Board member Al DeKrey wondered if the Board shouldn't have some information provided to them from a legal perspective from the Board's Counsel. There are a lot of moving parts to this. On paper it seems very simple. "The Board is being asked to concur, and I concur," he said, "with a seemingly relative, simple interpretation of the code by the ZEO. But it is much more complicated than that and I would appreciate some discussion or recommendations from the Board's Counsel." Chairman Johnson agreed.

Village Attorney Kyle W. Barnett proposed submitting something in writing for the Board's consideration that would eventually comprise a thorough written determination that might help shape the opinion of the Board. At the next Board meeting, the Board could if they chose to, at an open meeting review what was created and put together a proposed decision between now and then.

Board member Ward Stanley said he would consider a motion to accept Attorney Kyle W. Barnett legal advice.

Board member Brant Neuneker asked the Attorney if he wanted the Board to amend it now.

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(John R. Marvin Esq. Appeal, continued)**

Attorney Kyle W. Barnett said no. He has suggested submitting a proposal to the Board regarding the issues and their potential resolution. The Board could look at it and decide as to whether or not it meets with the Board's expectations. Ultimately the Board will issue a written decision. Mr. DeKrey asked what the time frame was. Attorney Barnett replied that a decision must be issued 62 days from today.

**A motion** was made by Ward Stanley, seconded by Judy Merritt, to accept Village Attorney Kyle W. Barnett's suggestion to write up something for the Board to consider.

Aye: 4      Nay: 1 –Colton Johnson   Abstained: 0

The motion was carried by a 4 to 1 vote.

Attorney Victoria Polidoro with Rodenhausen Chale, LLP requested a special meeting so the parties don't have to wait another month. Attorney Barnett said that he will need the minutes from the last meeting, a list of any exhibits that were introduced at the last meeting and any documents that have been introduced between the last meeting and tonight. If he receives those items he can get something back in the next two weeks. Chairman Johnson said he was in favor of a special meeting.

**A motion** was made by Al DeKrey, seconded by Ward Stanley to adjourn the meeting to May 4, 2017 at 7p.m. The meeting was adjourned at 7:15pm.

Aye: 5      Nay: 0      Abstained: 0      The motion was carried by a 5 to 0 vote.

Respectfully submitted,

Karen Macfarlane, Clerk