

**VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
March 23, 2023
7:00 PM**

Present: Acting Chair David Javsicas, Member Maarten Reilingh and Member Sherry Ou-Yang

Absent: Chair Erik Cuthell

Acting Chair Javsicas opened the March 23, 2023 Zoning Board of Appeals Meeting at 7:03pm.

Acting Chair Javsicas announced members present and that there was a quorum for tonight's meeting.

Acting Chair Javsicas mentioned that prior ZBA Member Steve Appenzeller won the election on Tuesday and now a Village Board Trustee and no longer a ZBA Member.

Acting Chair Javsicas announced the recent passing of prior ZBA Member Cliff Gubler.

Acting Chair Cuthell made a motion to accept and approve the meeting minutes of the ZBA dated February 23, 2023. Motion seconded by Member Ou-Yang. All in favor. Motion approved.

#1. John Halle	35-39 Garden Street	Interpretation/Appeal
Tax Parcel ID 6272-09-240689		

Acting Chair Javsicas announced that applicant, via email to Secretary Hart dated March 6, 2023, has withdrawn his appeal application and advised that he will be applying for a lot line adjustment.

#2. Polina Malikin and Paul Sturtz	25 Fisk Street	Interpretation/Appeal
Tax Parcel ID 6272-10-493612		

Acting Chair Javsicas advised that applicants have submitted an interpretation/appeal application dated March 7, 2023 to appeal the Notice of Violation issued by Clark Kimble, Code Enforcement Officer for the Village of Red Hook dated January 30, 2023.

Acting Chair Javsicas advised that all Board members have been provided with copies of all documents on file and received.

Acting Chair Javsicas asked applicant(s) to come forward to present.

Polina Malikin's daughter, Iko, approached the Board and said she really loves her goats and thinks she and her family should be able to keep them.

Polina gave the Board more documents. Polina gave an overview of the situation that they have had trauma in their family and that it was recommended that they get emotional support animals and goats were suggested as a low-key animal and that they were healing.

Polina said they looked at the Village Code, because they were new to the area and it didn't say anything about goats and just dogs so they were recommended to look at the Town Code, as it was their understanding that the Village was in the Town and the Town has a lot of explicit rules about them.

Polina said they were gifted some baby goats that they have raised and that their daughter takes care of them.

Polina said before getting the goats they talked with neighbors who all showed support and have supported since. Polina said they gave the Board the signatures/petition in support of the goats.

Polina said their property is unique and has a cool history and they are proud to be a part of. Polina advised that their barn that was there is rally central in the lot and the goats that are kept there are very far away from any other neighbor, and when they went around to talk to neighbors, most did not even know they had goats. Polina advised that the neighbors who knew they had goats said they love them.

Polina said in the packet is a letter from their daughter's therapist and they have put together what they thought would be helpful in terms of looking at this issue holistically.

Polina said they understand now that the Village code is written in such a way that if something is not explicitly stated as allowed it not allowed and that was not clear to them and they were not trying to pull something shady and thought they were doing something good for the neighborhood and felt they were bringing the community together because neighbors come by to hang out with the goats.

Polina said they put together documents to show where they were coming from and the fact the Code does not say you cannot have goats but also does not talk about this very real need for people with disabilities and special needs for support animals, which is something that is federally/nationally recognized and an important law per the housing act and ADA. Polina said they were hoping this Board could see the exceptional case, both because of their property size and how the goats are situated and because they are asking the Board to take into consideration their situation.

Polina spoke on the new documents that she submitted this evening.

Polina spoke on the alleged complaint of rats and their daughter and 4-h meetings, and anything can bring rats but just having goats on their own does not lead to rats and that all food containers are closed and they would not want rats.

Polina shared other Municipal Codes, i.e. Tivoli and felt although the Village is its own unique place it's not so different from Tivoli that we couldn't adjust to interpreting Code as they have. Polina said the Town of Red Hook Code specifies large acreage and wants to lay the fear that if they have some sort of exception due to the emotion support animal that suddenly Red Hook will be over-run by goats and feel this is not the case.

Attorney Lessig advised the Board that they can determine if they feel this application is complete.

All Board members agreed that the application is complete.

Acting Chair Javsicas made a motion to set a public hearing for the interpretation/appeal application for 25 Fisk Street listed under Tax Parcel ID 6272-10-493612 to April 27, 2023 at 7:00pm. Motion seconded by Member Reilingh. All in favor.

Acting Chair Javsicas made a motion to consider the submitted application for 25 Fisk Street as complete. Motion seconded by Member Ou-Yang. All in favor.

Attorney Lessig spoke to the Board regarding their option to ask applicants questions this evening; and advised that the Board can make a decision to go into an attorney-client meeting.

Acting Chair Javsicas said he would like to enter into an attorney-client meeting to discuss this application.

Acting Chair Javsicas made a motion for the Board to enter into attorney-client session at 7:19pm. Motion seconded by Member Reilingh. All in favor.

Acting Chair Javsicas made a motion for the Board to return out of attorney-client session at 7:33pm. Motion seconded by Member Ou-Yang. All in favor.

Acting Chair Javsicas announced that no decisions were made during attorney-client session but that the Board is requesting to do a site visit to the property.

Attorney Lessig advised the Board regarding site visits and the quorum rules.

Polina advised she will be available for Members for the site visit.

Acting Chair Javsicas made a motion to table the interpretation/appeal application for 25 Fisk Street listed under Tax Parcel ID 6272-10-493612 to April 27, 2023 at 7:00pm. Motion seconded by Member Ou-Yang,. All in favor.

Acting Chair Javsicas made a motion to adjourn the March 23, 2022 ZBA Meeting at 7:36pm. Motion seconded by Member Reilingh. All in favor. Meeting adjourned.

Lara Hart,
Secretary, Village of Red Hook ZBA