



***Chair Cuthell made a motion to classify the area variance application for 2 Cambridge Drive listed under Tax Parcel ID 6272-14-258489 as a Type II Action with no further environmental review. Motion seconded by Member Javsicas. All in favor. Motion approved.***

Board Comments:

Member Reilingh advised he had no concerns regarding safety and/or visibility but felt the height seemed a little fortress-like but was ok with it and just an aesthetic concern.

Member Javsicas spoke about his concerns regarding the setback from the road and for this Board to take that into consideration.

Member Cuthell advised that applicants did share that they constructed their fence to look like the fence that was behind their residence. Chair Cuthell advised that Secretary Hart did look at old files and found that that property did receive a building permit to construct that fence without a variance.

Chair Cuthell mentioned that there is a rule book, but these were unique circumstances and felt it was not unreasonable.

Chair Cuthell recommended that applications remove 1 more post (panel) and extend the fence diagonally/angled. Appearance was discussed and applicants said they will review the proposed change once they are home and can get a better view of how this would appear.

Chair Cuthell advised the applicants that the highway department did have concerns about winter plowing and the possibility of snow causing the fence to fall. Applicants felt this would not be a concern due to the fence being wood and solid. Chair Cuthell suggested to maybe secure with a pin.

Member Javsicas spoke about this Board not being authorized to base their decision on someone else who did not follow zoning and could not use those circumstances as justification.

Chair Cuthell mentioned needing a majority vote due to only having three members present and that he was uncomfortable with coming up with the exact language right now for this variance and suggested tabling this application until which time Member Luks could be present and he can work on the variance language.

Member Javsicas mentioned the road setbacks and how this parcel was considered a corner lot and referenced the setbacks listed under 200-09-D-(5) ....no part of dwelling, structure or building shall extend nearer to the street line than 30 feet or nearer the center line of the street than 55 feet, whichever distance requires the greater setback from the street line....

Member Cuthell said he will prepare the variance language and email the Board. Board members were concerned about discussing application outside of a quorum. Member Cuthell said he will reach out to the Village Attorney. Secretary Hart advised the Board would need to then request escrow or the Village would be responsible for that expense.

Escrow was not requested.



***Chair Cuthell made a motion to table the area variance application for 4 Kent Road listed under Tax Parcel ID 6272-09-204536 to October 26, 2023 at 6:30PM. Motion seconded by Member Reilingh. All in favor. Motion approved.***

***Chair Cuthell made a motion to adjourn the Zoning Board of Appeals meeting of September 28, 2023 at 7:20pm. Motion seconded by Member Javsicas. All in favor. Motion approved.***

Lara Hart,  
Secretary, Village of Red Hook ZBA