

**VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
June 27, 2024**

Present: Chair Erik Cuthell, Member Maarten Reilingh, Member David Javscas and Member Janice Potter

Absent: Member Kristin Luks

Chair Cuthell opened the June 27, 2024 Zoning Board of Appeals Meeting at 6:30pm.

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

Chair Cuthell made a motion to approve the Minutes of ZBA Meeting dated May 23, 2024. Motion seconded by Member Reilingh. All in Favor. Motion approved.

Agenda Item #1:

Red Hook Rentals, LLC
15 Church Street
Tax Parcel ID 6272-10-358703

Present: Francisco Pujol – Owner
David Ruff – Architect

Chair Cuthell advised applicants were present for a continuation of an area variance application:

1. Side Yard 10' to 3'-7"
2. Lot Coverage 15% to 16.46%

Chair Cuthell advised that this Board had no other questions.

Chair Cuthell made a motion to open the public hearing for the area variance application for property located at 15 Church Street listed under Tax Parcel ID 6272-10-358703 at 6:33pm. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell confirmed that all public hearing notices were mailed and receipts received, and that no emails or letters have been received by Secretary Hart.

Chair Cuthell advised that no persons were present for the public hearing.

Chair Cuthell made a motion to close the public hearing for the area variance application for property located at 15 Church Street listed under Tax Parcel ID 6272-10-358703 at 6:36pm. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell asked the Board for comments. No comments.

Chair Cuthell made a motion to classify the area variance application for property located at 15 Church Street listed under Tax Parcel ID 6272-10-358703 as a TYPE II Action with no further environmental review. Motion seconded by Member Reilingh. All in favor. Motion approved.

Chair Cuthell proceeded with Test Sheet (Area Variance Findings & Decision):

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Board agreed NO
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance. The board agreed YES, but no issues.
3. Whether the requested variance is substantial. Board agreed NO
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood. Board agreed NO
5. Whether the alleged difficulty was self-created. Board agreed YES

It was determined that the benefit to the Applicant DOES outweigh the detriment to the neighborhood or community.

RECORD OF VOTE:

Chair Cuthell: YES

Member Reilingh: YES

Member Javicas: YES

Member Potter: YES

Chair Cuthell made a motion to approve the area variance application for property located at 15 Church Street listed under Tax Parcel ID 6272-10-358703 as follows:

1. Seeking relief from Section 200-9-D-(12)-(b) – for side yard going from 10 feet to 3 feet 7 inches
2. Seeking relief from Section 200-9-D-(11) – for an increase in lot coverage going from 15% to 16.46%.

Motion seconded by Member Potter. All in favor. Motion approved.

Agenda Item #2:

Robert Dupont, Architect for James & Barbara Murray

12 Garden Street

Tax Parcel ID 6272-10-295638

Present: Robert Dupont, Architect

James & Barbara Murray, Owners.

Chair Cuthell said it is his understanding that this pertains to one the old violet houses and one of them they want to use the foundation of to build a new building. Mr. Dupont advised to create an accessory dwelling. Chair Cuthell said in order to meet the Code requirement of 500 square feet you have to expand and rather than jog to the side you are going straight back and need a side yard variance. Mr. Dupont advised any increase in size to an existing building, even if you go up, does not grandfather pre-existing. Chair Cuthell said you are modifying a building that is non-compliant.

Chair Cuthell asked if you had to go up, and what is up. Mr. Dupont said it will be living space.

Mr. Dupont provided copies of the proposed design to all Board members. Mr. Dupont explained habitable space being only living, cooking, eating and sleeping. Mr. Dupont said this is basically a tiny rental house and that there is no issue with lot coverage which is approximately 13.8% and with increase in footprint only bringing it to 14.8%, and that the only issue is the existing building encroaching 4 ½ feet into side yard setback so they are seeking a 5-foot side yard setback.

Mr. Dupont advised that the Murray's have spoken with neighbors who are all in support of this project, especially the neighbor right next door, and feel it is consistent with the character of the neighborhood. Chair Cuthell thanked Mr. Dupont for this information.

Chair Cuthell advised that applicant is present this evening requesting a variance for side yard setback seeking relief from section 200-9-D-(7) to go from 15-feet to 10-feet.

Chair Cuthell asked Board members if they have reviewed the application package. Members said yes.

Member Reilingh asked about Garden Street running E/W referencing north. Chair Cuthell said correct and that it kind of looks backwards on the lot, and entrance way would be a southern exposure. Mr. Dupont said you cannot see it from the road. Chair Cuthell said from roadway it actually reduces its impact. Member Reilingh said so from the North -the north elevation is looking into the back of their house. Mr. Dupont said correct. N/W elevations were discussed. Member Reilingh said his only concern was it looking out towards the neighbors. Mr. Dupont said the good news with the neighbors is that they have a similar layout with lots in that the house is closer to the street and back where they are proposing is where the neighbor's garage is located.

Chair Cuthell asked the Board if they have what they need for a complete application. Board members said yes.

Chair Cuthell made a motion to accept the variance application as complete. Motion seconded by member Potter. All in favor. Motion approved.

Chair Cuthell made a motion to set a public hearing for the area variance application for property located at 12 Garden Street listed under Tax Parcel ID 6272-10-295638 to July 25, 2024 at 6:30pm. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell made a motion to table the area variance application for property located at 12 Garden Street listed under Tax Parcel ID 6272-10-295638 to July 25, 2024 at 6:30pm. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell made a motion to adjourn the June 27, 2024 ZBA Meeting at 6:53pm. Motion seconded by Member Potter. All in favor. Motion approved.

Lara Hart,
Secretary, Village of Red Hook ZBA