

**VILLAGE OF RED HOOK  
PLANNING BOARD MEETING  
November 14, 2024**

Present: Chair Elizabeth Pagano; Member David Pearson & Member Steve Zacharzuk

Absent: Co-Chair Jim Rogers and Member David Markusen-Weiss

---

**Chair Pagano opened the November 14, 2024 Planning Board Meeting at 6:30pm. Motion seconded by Member Pearson. All in favor. Motion approved.**

Chair Pagano asked all to stand for the Pledge of Allegiance.

Chair Pagano announced members present and that we had a quorum for this evening's meeting.

**Chair Pagano motioned to approve the minutes of the October 17, 2024 Planning Board meeting. Motion seconded by Member Zacharzuk. All in favor. Motion approved.**

**Agenda Item #1**

Marie Welch, L.S. for Thomas LeGrand  
St. John Street – Site Plan  
Tax Parcel ID: 6272-06-389759

Chair Pagano announced that by way of email dated November 7, 2024 Marie Welch has asked that the site plan and public hearing be tabled to December 12, 2024 meeting and advised that applicants are still waiting on elevation plans.

**CHAIR PAGANO MADE A MOTION TO TABLE THE SITE PLAN APPLICATION AND PUBLIC HEARING FOR ST. JOHN STREET LISTED UNDER TAX PARCEL ID 6272-06-389759 TO DECEMBER 12, 2024 AT 6:30PM. MOTION SECONDED BY MEMBER ZACHARZUK. ALL IN FAVOR. MOTION APPROVED.**

**Agenda Item #2**

Paul Sturtz & Polina Malikin, Owners  
25 Fisk Street  
Tax Parcel ID 6272-10-493612

Present: Paul Sturtz & Polina Malikin, Owners

Chair Pagano advised that a public hearing was scheduled for this evening.

**CHAIR PAGANO MADE A MOTION TO OPEN THE PUBLIC HEARING FOR THE SITE PLAN APPLICATION FOR 25 FISK STREET AT 6:33PM. MOTION SECONDED BY MEMBER PEARSON. ALL IN FAVOR. MOTION APPROVED.**

Chair Pagano advised the Board will wait 3 minutes until closing the public hearing and advised that Secretary Hart has not received any letters or emails for this evening hearing.

Chair Pagano asked if anyone present wished to speak on behalf of this site plan application. No persons present.

Attorney Polidoro said the Board can take this time to ask questions or comments.

Chair Pagano advised since the last meeting the Board has received a revised site plan dated October 3, 2024 and upon review it seemed that all of the Board's questions have been addressed.

Chair Pagano advised that this Board received an email from Gary Beck, Zoning/Code Enforcement Officer, dated November 12, 2024, at the Board's request to clarify Zoning Section 200-18.1. Chair Pagano read the email into record.

---

**From:** [garybeck@z3consultants.com](mailto:garybeck@z3consultants.com) <[garybeck@z3consultants.com](mailto:garybeck@z3consultants.com)>

**Sent:** Tuesday, November 12, 2024 12:20 PM

**To:** Lara Hart <[lhart@redhooknyvillage.org](mailto:lhart@redhooknyvillage.org)>

**Subject:** 25 Fisk

Re: Zoning Interpretation for 200-18.1

The code states that you must have a minimum of 2 acres of land.

further more the Code says you can have 2 animals per 1.5 acres of land.

Anything less than 2 acres of land animals are not permitted.

When you have more than 2 acres the code does not have an allowance for partial, anything less than 1.5 acres.

Example

You have 2.7 acres of land, you are allowed 2 animals

You have 4 acres of land you are allowed 4 animals

Let me know if this helps.

---

Chair Pagano asked Attorney Polidoro if the Board should close the public hearing.

Attorney Polidoro said yes unless this Board has any further questions for the applicant.

Chair Pagano asked the Board for any comment. No comments from the Board.

**CHAIR PAGANO MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE SITE PLAN APPLICATION FOR 25 FISK STREET AT 6:37PM. MOTION SECONDED BY MEMBER PEARSON. ALL IN FAVOR. MOTION APPROVED.**

Chair Pagano advised that this Board has received a copy of a draft Resolution, which was prepared by Attorney Polidoro. Attorney Polidoro advised that the first part of the Resolution lays out the facts.

**CHAIR PAGANO MADE A MOTION TO ACCEPT AND APPROVE THE RESOLUTION AS PREPARED. (Chair Pagano read said Resolution into record)**

---

**VILLAGE OF RED HOOK  
PLANNING BOARD**

A meeting of the Village of Red Hook Planning Board was convened in public session at the Village Hall, 7467 South Broadway, Red Hook, New York on November 14, 2024. The meeting was called to order by Chairman Beth Pagano.

Moved by:

Seconded by:

**RESOLUTION TO GRANT SITE PLAN APPROVAL**

**25 Fisk Street**

**WHEREAS** the applicants, Paul Sturtz and Polina Malikin (“Applicants”), have submitted an application for site plan approval for animal husbandry on a 4.22-acre parcel located at 25 Fisk St, Red Hook, tax parcel number 134801-6272-10-493612 (the “Property”), in the R10,000 Zoning District (the “Project”); and

**WHEREAS** pursuant to § 200-18.1(A)(2) of the Zoning Law, animal husbandry is a permitted accessory use in the R10,000 District subject to site plan approval, provided that all requirements of the section are met, including that the maximum number of animals kept on a property is as follows: one animal with an average weight of 250 pounds or more at mature size or two animals with an average weight of less than 250 pounds each at mature size per 1.5 acres of available land, regardless of the actual size or age of the animal; and

**WHEREAS** the definition of “available land” contained in § 200-18.1(A)(2) is defined as all land on a lot, excluding the residence, driveway, garage, other buildings or structures not used for animal husbandry, and all areas within 50 feet of wells, watercourses and wetlands; and

**WHEREAS** the Property-owners are keeping five Nigerian dwarf goats on the Property, three of which are babies, which have an average weight of 50 to 60 pounds at mature size; and

**WHEREAS**, the Applicants had previously received a determination from the Zoning Board of Appeals on July 27, 2023, which permitted the five goats on the Property as of that date of the determination to remain on the Property and prohibited the addition of new animals and breeding; and

**WHEREAS**, the Applicants’ admissions during the August 8, 2024 meeting and in the October 2, 2024, submission that there are now three baby goats on the Property evidences that at least three of the goats on the Property as of July 27, 2023 have been relocated off the Property or are deceased and therefore the Applicants must comply with the provisions of the Zoning Law now in effect; and

**WHEREAS**, the Zoning Enforcement Officer by email dated November 12, 2024, determined based on the size of the Property, a maximum of four goats are now permitted on the Property; and

**WHEREAS** the Project is depicted on a site plan set entitled “Site Plan prepared for Paul Geoffrey Sturtz and Polina Malikin” prepared by Mark R. Graminski P.E. L.S. P.C., dated July 29, 2024, and last revised October 3, 2024, (the “Site Plan Set”); and

**WHEREAS**, pursuant to 6 NYCRR § 617.5(c)(11) and (12), single-family homes and construction, expansion or placement of minor accessory/appurtenant residential structures or other buildings not changing land use or density are Type II actions under the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, a duly noticed public hearing was held on November 14, 2024, during which all those who wished to speak were heard.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board classifies the Project as a Type II action under SEQRA.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby approves the Site Plan Set and authorizes the Chair or her authorized designee to sign the Site Plan Set after compliance with the following conditions:

1. Payment of all fees and escrow.
2. Revision of the Site Plan Set to include a note indicating that composting of manure is prohibited on the Property.
3. Revision of the Site Plan Set to include a note indicating that the accessory animal husbandry use permits no more than four animals with an average weight of less than 250 pounds each at mature size on the Property at all times.
4. Revision of the Site Plan Set to include a note stating that the animal husbandry use is subject to all requirements in Section 200-18.1 of the Zoning Law, as may be amended from time to time.
5. Relocation of all animal husbandry fences to comply with the requirement of a 75-foot setback from boundary lines for animal husbandry areas as per § 200-18.1(A)(1) the Zoning Law.
6. Evidence that one of the existing goats has been relocated so that there are no more than four goats on the Property in compliance with Section 200-18.1 of the Zoning Law.

Elizabeth Pagano, Chair \_\_\_\_\_  
David Markusen-Weiss \_\_\_\_\_

**David Pearson** \_\_\_\_\_  
**Jim Rogers** \_\_\_\_\_  
**Steven Zacharzuk** \_\_\_\_\_

---

**Elizabeth Pagano, Planning Board Chairperson**

**VOICE VOTE      Aye-      Absent-      Nay-      Motion Carried/Denied**

**MOTION SECONDED BY MEMBER ZACHARZUK. ALL IN FAVOR. MOTION APPROVED.**

Polini Malikin asked if she could ask a question. Chair Pagano said sure.

Polina said when this Law was written we were consulted and at that time we had five goats and were consulted specifically that the number of goats was accommodated by the Law, and the law was created so not to put us in a position to break the law, which was specifically created for us and curious if that was taken into consideration with this Resolution.

Attorney Polidoro advised that the Law says 4. Polina said the Law does not just actually say 4. Attorney Polidoro said based on the property size it is 4.

Polina said she understands the current interpretation but when the law was created I was standing here and the Mayor asked me specifically does this Law work for you based on the numbers and the numbers have actually changed to accommodate the number of goats we had so that is why we were under the impression that we were in compliance with the Law. Polina said it is documented and that they were no trying to do something sneaky and felt that this was amazing that not only was the Village working with us but actually consulting us so that our goats will be the right number and it works for the Village and they feel it's safe and healthy for the Village so that is why they interpreted it as here is this ratio and that she was just explaining that there were not actively trying to break the law and that they understood that the Law was created with this specific instance in mind, as there is nobody else in the Village that has goats and was no other reason to create this Law except for us being the goat people. Polina said she finds it very difficult to understand why this Law was created and we are not having all these meetings and arguments over one goat.

Polina said it was their understanding that they could have 5 goats and that the Law was created and changed to accommodate us so feels it is a bit unfair in terms of us just being civilians and reading the Law and its presented at a ratio and my daughter, who is in 7<sup>th</sup> grade said its presented as a ratio and understands it, and they are not asking for ½ an animal and are asking for the ratio which is ..if I told you- you could have a dozen eggs for \$12 and ½ a dozen for \$6 you would understand that to be a ratio and wouldn't say you can only have 12 dozen otherwise you are asking for a ½ of an egg – so there is that sort of confusion they have.

Polina said she understands that the zoning interpretation is different but wants to put this out there on the record that they were not actively trying to break the Law.

Polina said what the Zoning Board of Appeals allowed for us to have these goats – and it felt like in addition these goats are also therapy animals and there is nothing written about which specific goats need to be there and they just felt great we could have our 5 goats and wasn't told to them which 5 goats – and now we are asked for mugshots of goats – which has gotten to a surreal place for us in terms of -we got these goats to be therapy animals for our daughter who has suffered a trauma and now we are having meetings and meetings about 1 extra goat so it just feels very sad to me.

Attorney Polidoro said to clarify some of this – no one is asking for you to take mugshots of your goats, it's just 4 and doesn't matter which 4 it is.

Attorney Polidoro said the Zoning Board determination was very specific and said ...only the five pigmy goats currently at the property and being accommodated from the effects of the violation dated January 31, 2023 at the time of this Resolution are permitted - no other additional or further goats or other animals including by breeding, etc. etc. etc..... so the Zoning Board limited and it allowed you to continue to have the 5 goats that you had at that time - and that's why we were saying how to figure out which 5 it was because you did swaps with babies so that 5 has now gone away and now you are allowed what the Law says.

Attorney Polidoro said we have heard your comments, but you are not being asked to tag goats and that it just be limited to 4.

Paul Sturtz said there are also errors in that these are Nigerian dwarf goats and not pigmy goats. Attorney Polidoro said that can be changed. Resolution will be amended with this change.

Paul Sturtz asked if they will need to go back to the Village Board to re-enforce that they are allowed 5 goats. Attorney Polidoro advised that the Village Board adopted a Law that allows 4 goats. Paul Sturtz said that was not the understanding.

Attorney Polidoro said she cannot speak for the understanding that you took away from the meeting and that is what the Law says and that the Planning Board does not amend the Law or interpret the Law and simply approves something to be in compliance.

Polina asked so that we are in compliance, we have submitted the payment for the application fee and asked about Resolution #1 - fees and escrow. Attorney Polidoro advised this Board did not ask for escrow.

Polina asked about revision of the site plan and if that was literally on that plan. Attorney Polidoro advised it needs to go on the plan provided under the section for "notes" and between

you and Mark Graminski and that she cannot authorize to change his plan. Attorney Polidoro said then you will have a site plan moving forward and in compliance with the Law.

Polina asked if an architect or engineer would know enough about the Law to put those notes on the plans. Attorney Polidoro advised he doesn't have to know about it and just copy the note. Polini asked if he would be contesting to the note with his stamp on it. Attorney Polidoro advised the notes are the conditions of approval and he is very familiar with site plan notes. Polina asked if he had to do a site visit. Attorney Polidoro said no site visit and just puts them on as he drafts them.

Polina asked when we got approval from the Zoning Board of Appeals for their goats as therapy animals, do we have to go through that process again. Attorney Polidoro said no.

Polina asked about 5 goats and to prove they are therapy animals. Attorney Polidoro said you would have to talk to an attorney about that.

Attorney Polidoro advised that the reason you were before the Zoning Board of Appeals last time was because goats were not allowed in the Village; then the Village adopted a Law to allow the goats.

Paul Sturtz said concurrently the Zoning Board of Appeals approved the goats for us. Attorney Polidoro said they let you keep the 5 you had, and now a new Law has been adopted that says you can have 4 and you switched out your 5.

Polina said just to make you understand 2 of our goats had babies and you cannot separate them off (the babies) so they moved the other goats to their friends farm for care and closer supervision and their daughter became attached to the babies and part of the reason we have goats is for therapy animals so she can have that and why 3 of the goats are different being the 3 babies.

Attorney Polidoro said she understands but the act of removing the ones that were there at the time of determination renders the determination moot. Polina said ok.

Polini asked so now that the goats are older if we want to change back to the original goats that would be... Attorney Polidoro said you can have whatever 4 you want. Polina said no can we have the original 5 goats. Attorney Polidoro said no because you removed them. Polina said so once they leave the property they lost the ability to have 5. Attorney Polidoro said yes.

Paul Sturtz asked where that was written. Attorney Polidoro said there is no way to track now those original 5 goats that you had. Polina said their veterinarian has all the records on that.

Attorney Polidoro said this is not something that the planning board gets to figure out.

Polina said they just want to understand, and this is their chance to ask questions.

Paul Sturtz asked Attorney Polidoro what she was basing your opinion on. Polina said she thinks she is saying it is not in her purview. Attorney Polidoro said right and it's not a question that is being asked to this Board at this moment. Paul Sturtz said ok. Attorney Polidoro said the Board cannot answer that.

Polina thanked the Board for their time. Chair Pagano thanked them for doing the things that were asked.

Attorney Polidoro advised applicants that they have to meeting the conditions and the Chair will sign the site plan and then you will have and approved site plan and that there is a certain time period in the Law, so you don't want to sit on it because it will expire. Polina asked what the time period was. Polina asked if that could be sent to her. Attorney Polidoro advised everything is on general code-the zoning law. Polina said ok. Chair Pagano advised that Lara will confirm and send in an email.

Attorney Polidoro asked the Board for a motion to amend the Resolution to change from pigmy goats to Nigerian goats.

**CHAIR PAGANO MADE A MOTION TO AMEND THE RESOLUTION #4 TO CHANGE FROM 5 NUBIAN DWARF GOATS TO 5 NIGERIAN DWARF GOATS AND #5 TO READ JUST 5 GOATS. MOTION SECONDED BY MEMBER ZACHARZUK. ALL IN FAVOR. MOTION APPROVED.**

Member Zacharzuk asked if "payment of all fees and escrow" should be removed from the resolution. Chair Pagano said no just to leave it and it has been satisfied since this Board did not ask for escrow.

### **Agenda Item #3**

Dawood Almawri

7484 South Broadway (a/k/a Tobacco Lane)

Owner: Michael Matwey

Tax Parcel ID: 6272-10-442688

Chair Pagano said applicants are renting the former real estate office across the street. Mr. Almawri said yes.

Mr. Almawri came forward to speak and advised that he has a few convenient stores in the capital region area and would like to have another with snacks, drinks, Mediterranean desserts, a convenient store with cigars. Mr. Almawri said he has a few of them in Middleburgh, Ravena, Cohoes and in the uptown part of Albany and loves this Village and would love to be a part of it.

Chair Pagano advised that applicants are present for a site plan application for occupancy going from office to retail use.

Chair Pagano said applicants have approval from landlord Michael Matwey.

Chair Pagano asked the Board for comments.

Member Zacharzuk asked if they needed Board of Health approval. Member Pearson asked if any food would be served. Mr. Alkawri said no. Member Pearson said all food is packaged. Mr. Alkawri said yes. Chair Pagano asked if there was any seating inside. Mr. Alkawri said no.

Chair Pagano asked if the proposed signage should be approved separately. The board agreed to just be a part of the site plan.

Chair Pagano asked if they were going to have business signage. Mr. Alkawri said they will have a small sign using the 25% window space.

Chair Pagano read into the record the letter received from Delaware Engineering dated November 13, 2024 due to property being in the new sewer use area and to advise that the septic can accommodate this business use.

... The subject building is equipped with an existing 2,000-gallon septic tank, and a simplex pump. Refer to Exhibit A. For additional information provided by the applicant, refer to Exhibit B. Although there are other tenants in the commercial property, the applicant's proposed use is not considered an increase from the previous use of the subunit. Therefore, no increase in the building's overall sewer system capacity or potable water availability is required....

A copy of the letter is on file in the building department.

Chair Pagano asked if they were going to add signage to the existing light pole. Mr. Alkawri said one day hand a basic sign. Chair Pagano advised when you decide to do that you will need to come back for that signage approval to hang on that post.

Member Pearson advised applicants to contact Michelle Kelly at the Health Department. The board asked why. Member Pearson said because of sale of cigarettes. Mr. Alkawri advised that about a month later after the license is mailed out the tobacco board comes and inspects.

Chair Pagano said no Board of Health approval is required.

Chair Pagano asked the Board if they deem application to be complete to forward to the Dutchess County Department of Planning and Development for comments. The Board agreed yes.

**CHAIR PAGANO MADE A MOTION TO DEEM THE SITE PLAN APPLICATION FOR 7484 SOUTH BROADWAY AS COMPLETE TO SUBMIT TO DUTCHESS COUNTY DEPARTMENT OF PLANNING**

**AND DEVELOPMENT FOR COMMENT. MOTION SECONDED BY MEMBER ZACHARZUK. ALL IN FAVOR. MOTION APPROVED.**

**CHAIR PAGANO MADE A MOTION TO SET A PUBLIC HEARING FOR THE SITE PLAN FOR 7484 SOUTH BROADWAY TO DECEMBER 12, 2024 AT 6:30PM. MOTION SECONDED BY MEMBER ZACHARZUK. ALL IN FAVOR. MOTION APPROVED.**

**CHAIR PAGANO MADE A MOTION TO SET A PUBLIC HEARING FOR THE SITE PLAN FOR 7484 SOUTH BROADWAY TO DECEMBER 12, 2024 AT 6:30PM. MOTION SECONDED BY MEMBER ZACHARZUK. ALL IN FAVOR. MOTION APPROVED.**

**CHAIR PAGANO MADE A MOTION TO CLASSIFY THE SITE PLAN FOR 7484 SOUTH BROADWAY AS A TYPE II ACTION WITH NO FURTHER ENVIRONMENTAL REVIEW. MOTION SECONDED BY MEMBER ZACHARZUK. ALL IN FAVOR. MOTION APPROVED.**

**CHAIR PAGANO MADE A MOTION TO ADJOURN NOVEMBER 14, 2024 PLANNING BOARD MEETING AT 7:10PM. MOTION SECONDED BY MEMBER PEARSON. ALL IN FAVOR. MOTION APPROVED.**

Lara Hart  
Secretary to the Planning Board

---