

DRAFT COPY
VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
October 23, 2025

Present: Chair Erik Cuthell, Member David Javicas, Member Kirstin Luks and
Member Janice Potter

Absent: Member Maarten Reilingh

Chair Cuthell opened the October 23, 2025 Zoning Board of Appeals Meeting at 6:31pm.

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

Chair Cuthell made a motion to approve the ZBA minutes from the 9/25/2025 meeting. Motion seconded by Member Potter. All in favor. Motion approved.

Agenda Item #1:

Peter Humphrey - Contractor
Owner: Isabella Bautista
2 Fraleigh Street
Tax Parcel ID 6272-10-376662

Chair Cuthell advised applicant is present this evening for a continuation of area variance for a front yard setback.

Chair Cuthell made a motion to open the public hearing at 6:33pm. Motion seconded by Member Luks. All in favor. Motion approved.

Chair Cuthell advised that any person present could come before this Board to speak. No persons were present for the public hearing.

Chair Cuthell advised that applicant has mailed public hearing notices to all within 200 feet via certified mail.

Chair Cuthell advised that Secretary Hart has not received any emails or comments regarding public hearing.

Chair Cuthell advised applicant he could come forward if anything new to present. Applicant said he had nothing new to present to the Board.

Chair Cuthell made a motion to close the public hearing at 6:36pm. Motion seconded by Member Javicas. All in favor. Motion approved.

Chair Cuthell advised that he went around the Village and took measurements from other homes listed from parcel access, more specifically on Fraleigh Street, Phillips Street, Ludlow and Church Street, and what he found was that there is a tremendous number of houses that do not meet the setback requirements to begin with and the additional porches that have been added bring from the center line to the curb 10 feet so the measurements he got all fall below the centerline requirements for structures.

Member Javicas said not all. Chair Cuthell said no, not all but 20-30% of houses do not meet Zoning book setbacks and are all grandfathered, so the actual numbers become a bit of a juggling act as to what we are trying to hold this applicant to.

Chair Cuthell said "as is" the house is 22 ½ feet back from the curb which is 32 ½ feet from center line and if we grant the application for 7 feet that brings it to a 15 feet setback from the curb and there are already properties that are within a foot or two from that for their porches. There is one on Phillips that is under construction that is 13 feet back, so in terms of relative what we are considering allowing here he sees nothing exceptional.

Member Javicas said he did not totally agree because this is smaller than all of the numbers you have listed and all of the porches were further than 15 feet, so the next closest one was approximately 16 1/2 feet.

Member Luks agrees and also thinks this house is already too close to the road and near a corner and thinks that building out closer to the road is not good for the neighborhood and not good for seeing around that corner.

Member Potter said living on Fraleigh Street (between Phillips and Church) that to avoid the light people cut across and go down Church and then make a left on Fraleigh and feels safety is a concern. Member Luks agrees.

Member Luks said just because other parcels don't meet the zoning that doesn't mean we need to give approval to this and two wrongs don't make a right.

Chair Cuthell said he agrees, and both mentioned a site line issue to the corner and said this house is a full house and an extended yard and driveway before you get to this property.

Member Luks said the house on the corner is very close to both sides of the road and that space between this both houses is tight. Member Cuthell did not see it as that and feels it is clearly in the middle of a block and not really a traffic issue. Member Potter said her thing is just with the traffic and does not feel a site line issue but sees there is a lot of traffic. Chair Cuthell said that it is a Village Street issue and we cannot blame this house for where it is. Member Potter said but she feels there is more traffic there because of the light avoidance. Member Luks agrees and the house adjacent to the right is set significantly further back.

Chair Cuthell said he went up and down the streets coming in Fraleigh and back out Fraleigh and in his mind did not see a 7 foot but felt if you just wanted to have a stoop with something over the front door is all you need. Chair Cuthell can respect the visual aspect of having something at the front of the house and visually needs that in keeping with the neighborhood. Member Luks said she disagrees with that. Chair Cuthell said he respects that, but felt that little house need something on the front to make it look more in keeping with the neighborhood.

Mr. Humphrey said there are a lot of homes in the Village with porches close to the road more specifically one near St. Chris that is 8 feet off the road.

Chair Cuthell said there is definitely places with a lot of exceptions but the fact that the exceptions exist is not really justification.

Member Javicas said in terms of reasoning and that there are a bunch that really close and some that are very old seems and almost seems to him that the ones that are the closest are a direction correlation with how old they were for example 14 Fraleigh Street, and in terms of pedestrian traffic, as he walks that all the time, and that when cars come through there you have to get off the road and there is that element of wanting space to walk on without feeling like you are on someone's porch; and that our mandate is to provide the minimum relief and so having it become the closest one on that block feels more than the minimum to him.

Chair Cuthell said in his mind he didn't see a 6 or 7 foot actual porch trooping the actual curb to its setback to 12 feet, approximate as the problem and all his measurements were taken from decks not including the steps down. Member Javicas asked where the steps would be. Mr. Humphrey advised on the side.

Chair Cuthell said this Board will need to do the area variance test sheet before voting. Chair Cuthell asked the Board for any other comments. No comments.

#1. Whether undesirable change would be produced in character of the neighborhood or a detriment to nearby properties.

Member Luks said yes and would change the character of the neighborhood and not within the adjacent setbacks and not matching the Pattern Book.

Member Javicas said he is trying to figure out if this is more within the character of the neighborhood or an adverse impact on the physical or environmental.

Member Potter agrees with member Javicas and does not think it's a terrible impact on the aesthetics of the neighborhood and more concerned with safety.

Member Javicas said part of the character is that you want it to be walkable.

Chair Cuthell answered question as a YES.

#2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

Chair Cuthell said if you need something covered on the front of the house there is no place else to put it other than the front of the house but that the scale and size matters.

Member Javicas said we have to look at the feasible alternative and that it doesn't have to be 7 foot.

Members Luks said one of the things that was brought up was they wanted to make the house look more attractive from the outside and feels that can be achieved by many other ways with things like landscaping, shutters and window boxes and understands that the house is very flat right now but that is the nature of this house.

Chair Cuthell said he believes some sort of extension off the front like a stoop is needed so something for a couple of feet as an entry stoop that is a different project so when it comes down to the minimum, if we chose to grant this, maybe we have to deal with that, but he feels NO but sounds like it is a YES.

Member Javicas asked are we including smaller porches as an alternative – like in a stoop?

Chair Cuthell said yes, a smaller option would be an alternative, so answer is YES.

#3. Whether the requested variance is substantial.

Chair Cuthell felt no and not sure how substantial it is when there are properties already with similar ultimate setbacks of 16-17-13-14 in the Village already.

Member Luks feels it is substantial.

Member Javicas said it would make it the closest one so yes.

Chair Cuthell answered question as YES.

#4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood.

Member Potter asked if her safety concern would be considered physical. Board felt yes.

Chair Cuthell answered question as YES.

#6. Whether the alleged difficulty was self-created.

Chair Cuthell answered question as YES.

The Board discussed Test sheet answers and whether it DOES NOT outweigh the detriment or the neighborhood or DOES outweigh the detriment to the neighborhood.

Member Javsicas said he felt it was more in having a setback in alignment with other homes so felt it DOES NOT OUTWEIGH.

Member Luks agrees.

Chair Cuthell said then the benefit to the applicant DOES NOT outweigh the detriment to the neighborhood or community and therefore the variance is denied.

Member Javsicas felt with a stoop the argument to him is that it needs something there is more compelling to him than it is to Member Luks, but having something over the door is substantial benefits and in what part of this process would we talk about being more receptive to that than a full-on sitting porch.

Member Luks asked but does that accomplish what they are looking for in sitting outside and making it look more attractive.

Mr. Humphrey spoke on the difference between this than bushes. Member Javsicas said there would be no difference because you cannot put bushes out by the road and the difference is a porch that people are sitting on and that people do have to sometimes step on the grass. Mr. Humphrey said it would be 8 feet and he would never think to walk on somebody's property. Member Javsicas said the closer it is the more awkward it feels.

Chair Cuthell said this Board has clearly come to the conclusion that the variance for the requested 7 foot front porch is denied however subsequent on this sheet is the option to modify the conditions and set some restrictions and he would like to propose for review by this Board that we let the house proceed some kind of cover over the front door with a minimal landing which should be a 4 foot stoop - not across the whole front of the house – just wide enough maybe 8 feet wide – 3 foot door – foot and ½ (2 foot) on either side – with a gable over it - and feels this is reasonable but no longer a sitting porch.

Chair Cuthell suggested allowing the minimum being a covered stoop over the front door. The Board felt that was fair.

Chair Cuthell said he sees something a little wider than the door to tie in to make it look a little more appealing than just a cover and restrict to some reasonable dimension – some plants and a package – and call it 8 feet wide. Member Luks said it depends on how it will work with the

façade and where the windows are and where the door is. Chair Cuthell said ok and “not to exceed 8 feet”. Board agreed.

Mr. Humphrey said so you are saying 4 feet. Chair Cuthell said it is only one single step so to come out no more than 4 feet for the deck of the stoop with a step to the ground.

Chair Cuthell asked the Board if we can agree to Condition as:

A covered stoop not to exceed 4 feet in depth from the house and 8 feet in width. Board agreed.

VOTE:

Chair Cuthell: YES

Member Javicas: YES

Member Luks: YES

Member Potter: YES

Member Reilingh: ABSENT

Member Potter asked if the applicant agrees to this condition do they return with another plan. Secretary Hart advised no they will submit building plans based on Board’s decision.

Chair Cuthell made a motion to adjourn the October 23, 2025 ZBA Meeting at 7:03 pm. Motion seconded by Member Potter. All in favor. Motion approved.

Lara Hart,
Secretary, Village of Red Hook ZBA