

VILLAGE OF RED HOOK **(DRAFT)**
ZONING BOARD OF APPEALS MEETING
May 28, 2026

Present: Chair Erik Cuthell, Member Maarten Reilingh, Member David Javicas,
& Member Janice Potter

Absent: Member Kristin Luks

Chair Cuthell opened the May 28, 2026 Zoning Board of Appeals Meeting at 6:30pm.

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

Member Cuthell made a motion to approve the ZBA minutes from the April 23, 2026 meeting. Motion seconded by Member Potter. All in favor. Motion approved.

Agenda Item #1:

Polina Malikin

25 Fisk Street

Tax Parcel ID 6272-10-493612

Present: Polina Malikin, Applicant

Chair Cuthell advised this application is a continuation of an area variance for a fence from April 23, 2026.

Chair Cuthell advised application was reviewed by the Board on 4/23 and no other documents were required from applicant for tonight's meeting; and a public hearing was scheduled and that the applicant has provided proof of mailings of public hearing notices to Secretary Hart.

Chair Cuthell reminded if anyone was present this evening and wishes to speak, you must sign name & address to the sign-in sheet provided and that each person will be given 3 minutes to speak.

Chair Cuthell made a motion to open the public hearing for the area variance application for 25 Fisk Street at 6:32pm. Motion seconded by Member Javsicas. All in favor. Motion approved.

Chair Cuthell advised that 12 emails were received which all were in support of applicant's fence proposal. Chair Cuthell announced names and addresses of all who submitted.

12 Letters were received in support of applicant's fence proposal:

Zoe Evans – 84 Benner Road (Town)

Thyme Weiss – no address provided, but did indicate neighbor of applicant

Kristen Pratt – 66 West Market Street (Village)

Samuel Rose – SunRunner Farm, LLC – (no address provided) *Red Hook Farm*

Joshua Boettiger – 38 Thompson Street (Village)

Vanessa Grajwer-Boettiger – 38 Thompson Street (Village)

Joy Glass – 11 Elizabeth Street (Village)

Kevin McGinnis – 11 Elizabeth Street (Village)

James Rogers – 5 Fisk Street (Village)

Elena Erber – 24 Fisk Street (Village)

Tsion Wolde-Tsadiq and Richard Marquez – 31 Church Street (Village)

Margaret & Colm O'Callaghan – 26 Fisk Street (Village)

Chair Cuthell collected sign in sheet for public hearing:

#1. Stephen Lowin, 36 Thompson Street

Mr. Lowin said he has farmed from 13-55 and knows about farming and when they moved to the Village they wanted a residential neighborhood and we now have to sit in their back porch and listen to a fan covered greenhouse and will now look a 10 foot tall fence so feels his property values are and will plummet because he now has a commercial business in his residential neighborhood and would like this board to really think about how much she will run with this because this is residential and he has rats and she has 15 goats and there are so many issues with having a farm in the Village.

#2. Chris Munisteri, 53 Elizabeth Street

Mr. Munisteri stated in response to the notice he received from the Village of Red Hook he is in opposition to the area variance request for 25 Fisk Street. Mr. Munisteri said he understands the request is to raise fence from 6 to 8 feet and asked why 2-feet is necessary. Mr. Munisteri said at first there was no mention of the purpose of the fence and assumed it was for privacy. Mr. Munisteri feels by approving this request the Zoning Board will be setting a precedent for homeowners in the village who would like to add a privacy fence around their house – and why not – that extra 2-feet could be for added security on their property.

Mr. Munisteri said he felt the 6-foot Code was to maintain the charm of the Village, so in order to maintain the charm of a residential area I think the Code should be enforced as written.

Mr. Munisteri said he then realized the purpose of the fencing was not required for safety but rather to farm goats and other possible livestock as the design of the fence clearly shows.

Mr. Munisteri said himself not being an expert on goats, 1) is the 2 extra feet being requested is to keep the goats in or keep predators out; and the design of this fence leads to other issues to be considered as well and it is a fact that

livestock emits offensive odors and attracts rodents and feels this fence will not contain either.

Mr. Munisteri said he feels for his neighbors who are directly impacted by this situation and perhaps they too will be seeking the same variance one day only to restore the potential loss in value to their homes and that would be a shame.

#3. Polina Malikin – 25 Fisk Street.

Ms. Malikin said based on many different committees and boards her property has been accepted into the Ag District because Red Hook and Dutchess County values agricultural land and agricultural projects.

Ms. Malikin said the deer fence is 8-feet because it is to make sure deer don't come in and eat things that are growing. Ms. Malikin said many of the neighbors here are part of growing things on her land and she likes to share what she has. Ms. Malikin said it was very devastating last year to have so many things eaten by deer. Ms. Malikin said the fence will also keep the goats in so that is the need for the extra 2-feet and is not a privacy fence and is a shear woven fence and extra 2-feet will have no impact on character of neighborhood or the charm of the Village.

Ms. Malikin said the deer fencing is actually common in the Village for properties who garden.

Ms. Malikin said most neighbors are happy but understands that some have concerns but feels it could be much more useful if neighbors could talk to one another about their concerns rather than calling authorities.

Ms. Malkin said the deer fence is positioned in the back of property where there is already agricultural activity where there is a barn and greenhouse and growing fields and is not meant to go to the front of the property and not meant to change how the rest of the neighborhood looks or feels.

Ms. Malikin said she will be using trees along the property to keep it even more discreet.

Ms. Malikin said there is a real deer pressure problem and this is the solution and was advised by Dutchess County Soil and Water to use electric fencing but because there is so many people in the Village she didn't feel that electric was safe so the extra 2-feet was a compromised solution.

Ms. Malikin feels this is a reasonable request of small scale with no terrible impact on the neighborhood.

Chair Cuthell advised no other names are listed on sign-in sheet.

Chair Cuthell made a motion to close the public hearing for the area variance at 25 Fisk Street at 6:41pm. Motion seconded by Member Potter. All in favor.

Someone in the audience asked about reading the letters aloud. Chair Cuthell advised that this Board received all 12 and they are part of the record. Board checked with Village attorney who advised that just the names and addresses could be read. Chair Cuthell reiterated that all letters received were in agreement with applicant request.

THE BOARD TO COMPLETE AREA VARIANCE TEST SHEET

#1. Undesirable Change to Character of Neighborhood or determinant to nearby properties:

Board discussed:

Chair Cuthell said it was his understanding, and it will be stipulated if approved, that this is not a privacy or wooden fence and an expanded wire fence which is not a visual thing. Chair Cuthell said this is unique property in the Village and we are here to talk about the granting of a variance for the fence. This property is now Agricultural so this Board is limited and this Board does not have the same authority over agricultural zoning as we might in a straight residential neighborhood and understands there are some issues around that but is not something we as a board had anything to do with not have any authority to debate based upon whether it should or should not be an Ag property.

Mr. Lowin said the Village changed Zoning so applicant could have 4 goats originally and she took that and ran with it. Member Javsicas said he understands.

Chair Cuthell said he understands they are upset about this but we are not going to resolve any of those concerns tonight because we can't and is not what this Board has any authority to do.

Ms. Lowin said so having once person saying they don't want the fence is not enough.

Chair Cuthell said lots of people can have problems but up to this Board to determine.

Mr. Lowin said she is wrapped totally around their property and that is the issue.

Chair Cuthell said he understands but this is not the place to debate whether that was right or wrong or how it affects, this is strictly about allowing a fence to be taller which is what this Board is debating and considering.

Someone in the audience said so the fence is going to be put up no matter what and it's just a question of whether it is going to be 6 or 8 feet.

Chair Cuthell said correct, and she has a right to do a fence.

Member Javsicas asked about one side and this parcel being considered to have two front yards. Ms. Malikin said it is set back. Member Javsicas said he felt it needed more to be considered set back. Ms. Malikin said it was submitted to the Zoning officer for review before submission.

Secretary Hart advised Mr. Keith, Zoning Officer, determined that proposed fence line was set back enough to avoid front yard setback.

Member Reilingh asked whether or not we approve the fence says nothing about use of property. Chair Cuthell said correct.

Member Reilingh spoke about farm plan being discussed with the Village. Chair Cuthell said which is why we have no basis to discuss this at all and what is not in front of this Board and that this variance is not precedent setting.

Member Reilingh asked if he could address the applicant directly. Chair Cuthell said he would prefer to address only the Board but allowed.

Member Reilingh asked is there a time frame involved in here – plans a foot why are we deliberating on this particular part of those plans – with other plans still a foot.

Ms. Malikin said there are still plans not relevant to this, but she is growing food no matter what and whether you care or don't like my goats, or don't like the way I do things, I am going to grow food and that is a human right so needs a fence to keep the deer out.

Chair Cuthell ended conversations outside of Board discussion.

Chair Cuthell said this application is limited to a fence going from 6 feet to 8 feet and the question of growing plants and having animals is beyond us. The public meeting is closed and this is not a debate environment.

Continued Test Are Variance Sheet
Question #1.

Chair Cuthell: NO

Member Javsicas: NO

But wants stipulations set. Chair Cuthell said there will be stipulations.

Member Potter: NO

Member Potter said she looked at property and a lot of noise and a lot of activity and zoned agricultural and we are debating a fence and you can see through the fence and it is 2-feet and does not see how we can go against it.

Member Reilingh: NO

Member Reiling said he understands, and that the 2 foot difference makes no difference

YES: 0 NO: 4

#2. Feasible Alternative:

Chair Cuthell: NO
Member Reiling: NO
Member Javsicas: NO
Member Potter: NO

YES 0 NO 4

#3. Is it substantial:

Chair Cuthell: NO
Member Reiling: NO
Member Javsicas: NO
Member Potter: NO

YES 0 NO 4

#4. Adverse impact on the physical or environmental conditions in the neighborhood:

Chair Cuthell said this is clearly not going to change any environmental conditions.

Chair Cuthell: NO
Member Reiling: NO
Member Javsicas: NO
Member Potter: NO

YES 0 NO 4

#5. Self-Created:

Chair Cuthell said this is almost always yes.

Chair Cuthell: YES
Member Reiling: YES
Member Javicas: YES
Member Potter: YES

YES 4 NO 0

Chair Cuthell read aloud that the benefit to the Applicant DOES outweigh the detriment to the Neighborhood or Community.

Chair Cuthell said he would like this Board to agree to condition that this fence can only ever be a wire fence as proposed in submitted application.

BOARD VOTE:

Chair Cuthell: YES
Member Reiling: YES
Member Javicas: YES
Member Potter: YES

MAJORITY VOTE TO VARIANCE BEING APPROVED.

Chair Cuthell made a motion to approve the area variance for proposed 10-foot fence at 25 Fisk Street as submitted in application with the following condition: Fence can only be a wire fence as proposed in submitted application. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell made a motion to adjourn the May 28, 2026 ZBA Meeting at 6:57pm. Motion seconded by Member Reilingh. All in favor. Motion approved.

Lara Hart
Zoning Board of Appeal Secretary