

**VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
MARCH 24, 2022
7:00 PM**

Present: Chair Erik Cuthell; Member Maarten Reilingh, Member David Javscas, Member Steven Appenzeller and Member Sherry Ou-Yang.

Chair Erik Cuthell opened the March 24, 2022 Zoning Board of Appeals Meeting at 7:00pm.

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

Chair Cuthell made a motion to approve the minutes of the ZBA Meeting dated August 26, 2021. Motion seconded by member Appenzeller. All in favor.

Agenda Item #1.

Claire Stehling – 60 East Market Street, LLC
Application for Interpretation
60 East Market Street
Tax Parcel ID# 6272-11-567659

Present:

Claire Stehling, Owner of property
Steven and Danielle Lown, Tenants

Chair Cuthell advised this property was located in the newly created Gateway Business District formerly the Highway Business District. Chair Cuthell said this application was for an interpretation.

Chair Cuthell said the question is that someone brought this use to the attention of the Code Enforcement Officer, who looked at the site, and has determined that the use is non-conforming under the current use and that applicant was looking to change use from Zoning Section 200-11-6 to 200-11-5. Chair Cuthell said he will need to speak to the Code Enforcement Officer and that this property has a lot of stuff going on and has for a long time, and his understanding that Steve Lown is parking his tow-vehicles there and bringing vehicles in. Chair Cuthell asked Steve if he was running a repair shop. Steven Lown said he is not running a repair shop. Chair Cuthell asked if he was bringing cars in to be delivered somewhere else and that cars would be there overnight. Steve Lown said yes. Member Reilingh asked if vehicles would be there overnight or two. Steve said yes.

Claire Stehling spoke on the property in question and advised the Board this is for the property located at 60 East Market Street indicating there was a rental house and the building which Steve Lown is occupying. Claire Stehling submitted a drawing which showed the flag lot and building in question.

Chair Cuthell asked Steve Lown again that he was not going to be running his repair shop out of there. Steve Lown said correct.

Chair Cuthell said the distinction is that our Code Enforcement Officer made and because the Zoning was amended on February 14, 2022 and that the new description is not just a matter of title of what was formerly Highway Business but they actually changed some of the wording, and he has not been able to review completely, but that there is a section that effects this piece of property so this evening he felt he could ask members questions, take it on advisement and have the applicant return back in a month. Chair Cuthell said the request is for an interpretation and this Board must determine whether according to these rules by our

consideration, done publicly, as to whether or not what applicant is doing is somehow or another outside the spirit of what these regulations are supposed to prevent.

Chair Cuthell advised if we could come to an understanding of what this is we can work it out.

Chair Cuthell said by the NYS Guide to Planning and Zoning Section 7-712-b this Body has the authority to do interpretation and ultimately if this Board concludes it does not conform applicant could appeal to seek a variance, but said we should be able to work this out and does not see it going that far.

Chair Cuthell asked the Board for comment.

Member Javscas asked applicant if they are seeing this use as Section 200-11 (5) – salesrooms or shops of a builder, contractor or artisan and asked about the definition as a contractor. Chair Cuthell said personally he felt it was for a building contractor, someone keeping a ladder, lumber or a piece of equipment, but asked if a towing company could be dinged as a contractor. Mrs. Stehling advised she looked up the definition (in the dictionary) and it states if involved with third parties it's a contractor and that is what Steve Lown does.

Chair Cuthell said he felt it was not an unreasonable stretch for him and that this determination was made by the man who is more familiar with the particulars than we are as the body, so he will need to speak with the Code Enforcement Officer and get a statement from him as to why he felt this was the appropriate change to make and never-the-less... does this require a change and he does not see this as being necessary. Chair Cuthell said if we consider this to work then there is no issue, but if we cannot put this business into the verbiage or find a way for it work, you will have to appeal to do that.

Member Appenzeller asked about Section 200-11 and language which refers to outdoor storage and that no goods or equipment will be stored outdoors unless enclosed and screen by fences not less than 6 feet in height or vegetative screening. Mrs. Stehling said there is natural-screening, and you cannot see anything from the street. Chair Cuthell said this is about screened and being out of view, which he felt everything in this situation is out of view minus the property up on the hill. Ms. Stehling said it was the property of Vin's.

Member Reilingh asked if there was a building in the back being used as an office. Chair Cuthell said Steve has his sign on a building back there and no habitable space. Chair Cuthell asked Steve if there was water or a toilet in there. Steven said no. Chair Cuthell said then it is strictly a storage building.

Member Javscas asked when the Code Enforcement Officer flagged this what the concern was. Chair Cuthell said he can reach out to the Attorney and felt there was a hiccup somewhere and he does not see it, but will investigate it and will ask the Attorney and Clark, and as a statement of fact will let other members of the Board know what is said in those discussions.

Steve Lown asked who the complainant was. Chair Cuthell said he does not know that. Steve Lown said he has spoken to his lawyer and would like the name of the complainant and Chair Cuthell said he will do his best to find that out as well. Steve Lown spoke on the amended zoning and if this complaint affected the new zoning change. Chair Cuthell said he will check on that. Chair Cuthell said he felt Steve's involvement in this property had anything to do with the changes that have been made to the Zoning and this was in the works months ago. Chair Cuthell said he was not involved in these changes and did not even hear until it was completed.

Member Ou-Yang asked if he could say who he feels the complainant is. Steve Lown chose not to mention names at this time but thinks he knows who it is.

Member Reilingh felt if something was written in on paper you could have access to it, but a lot of times people will go to the Zoning office and speak on an issue that concerns them. Chair Cuthell said some people can leave messages on the machine in the Zoning office. Chair Cuthell said he understands their situation and is sensitive to it.

Chair Cuthell said he will speak with the Code Enforcement Officer and Village Attorney and figure out where this stand.

Member Javsicas asked if tenants moved in in November and the changes were not approved until February, it sounds like in theory when there is a change in use there should have been ... Chair Cuthell said this will be a question asked... Member Javsicas asked but do we know for sure that if the change happen in November whether we consider under the new regulations or the ones in place when they made the change.

Chair Cuthell advised that the next regularly scheduled ZBA Meeting will be held on April 28, 2022 at 7:00pm.

Chair Cuthell made a motion to adjourn the March 24, 2022 ZBA Meeting at 7:24pm. Motion seconded by Member Reilingh. All in favor. Meeting adjourned.

Lara Hart,
Secretary
Village of Red Hook ZBA