

VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
MARCH 27, 2006

Present: Chairman Brent Kovalchik; Member Victor Behoriam; Member Paul Duntz

Absent: Co-chairman George Beekman; Member Cliff Gubler

Chairman Kovalchik calls the meeting to order at 7:30 PM and brings forth the minutes from the February 27, 2006 Zoning Board of Appeals meeting for consideration. Chairman Kovalchik makes a motion that these minutes be accepted as written. Member Duntz seconds this motion and all vote in favor.

THE MINUTES OF THE FEBRUARY 27, 2006 ZONING BOARD OF APPEALS MEETING ARE ACCEPTED AS WRITTEN.

Applicant #1	Tax Grid #25-6272-10-410735-0000	
Donald Pulver, Agent	27-29 Market Street	Area Variance
John Dillon	Up Street Restaurant	Increase Lot Coverage 3%

Chairman Kovalchik explains that the Board will be considering a *conditional* area variance since the 3 properties to be converted into 1 parcel all have the same owner, it will not involve lot line changes but a consolidation. Consolidations are handled by lawyers and do not involve any Planning Board or Zoning Board of Appeals actions. So, if approved, this area variance will be conditioned on a consolidation of the 3 parcels into one parcel and a new deed showing same being delivered to both the Planning Board and Zoning Board of Appeals. This information is based on input from Kristen Kelly of Rapport, Meyers, Whitbeck, Shaw and Rodenhausen, Land Use Lawyers, and Attorney Al Trezza, counsel for John Dillon.

Chairman Kovalchik then reads Section 200-10-E-(2) from the Code of the Village of Red Hook - Lot Coverage in the General Business District. He also reads the letter of agency from Emanuel Mangione, co-owner of the properties involved, the letter of agency designating Donald Pulver as agent for the project and the letter from Donald Pulver to the Board explaining the project (attached).

Mr. Pulver then displays the existing and proposed plans for the site. There will be the required 5 feet between the existing buildings and a proposed new one. There will be a second exit on the main building and a handicap ramp going both ways. The long range plan is to restore an adjacent building to its historic style and create a mews going from Market Street through to St. John Street.

Member Behoriam reviews the Short Form EAF point by point and no problems are found. It is noted that restoring the building to its historic architecture will be an
Village of Red Hook Zoning Board of Appeals Meeting March 27, 2006 Page 2

improvement and in coordination with the Village Comprehensive Plan. A Public Hearing held by the Planning Board on this project was also noted for the record. Chairman Kovalchik makes a motion to assign this project a Negative Declaration. Member Duntz seconds this motion and all vote in favor.

THE UP STREET RESTAURANT PROJECT, LOCATED AT 27-29 WEST MARKET STREET, TAX GRID #25-6272-10-410735-0000, IS ASSIGNED A NEGATIVE DECLARATION.

Chairman Kovalchik and Mr. Dillon sign the Short Form EAF.

Chairman Kovalchik reads the definition of an Area Variance and the tests for an Area Variance, and imposition of conditions from the Guide to Planning and Zoning Laws of New York State.

Chairman Kovalchik opens the meeting to public comment. There being no comments, Chairman Kovalchik reads the Dutchess County referral (#06-086) on this variance and closes the period of public comment. Chairman Kovalchik then reviews the tests for an Area Variance with the Board:

- *undesirable change in the neighborhood:* Chairman Kovalchik - no - restoring historic style of the neighborhood; Member Duntz - no - positive change to the neighborhood; Member Behoriam - agrees with Members Kovalchik & Duntz
- *alternative cure:* all members vote no.
- *substantiality of variance sought:* all members vote no.
- *adverse effect or impact:* Chairman Kovalchik - no - will reduce amount of paving - Members Duntz and Behoriam agree.

self-created: Chairman Kovalchik - no, there is no room to expand. Member Behoriam - no. Member Duntz - no - consolidation of parcels was the remedy.

Chairman Kovalchik moves to approve the 3% increase in Lot Coverage for 27-29 West Market Street, Tax Parcel #25-6272-10-410735-0000 in relief from Chapter 200, Article III Section 200-10.E.2 of the Code of the Village of Red Hook with the following stipulations: adherence to all building, safety, health, & fire codes of NYS, the County of Dutchess and the Village of Red Hook; adherence to all stipulations of the Planning Board of the Village of Red Hook; proof of consolidation of the three tax parcels involved; and final site plan approval of the Village of Red Hook Planning Board. Member Behoriam seconds the motion and all vote in favor.

FOLLOWING THE CONSOLIDATION OF THREE PARCELS IS APPROVED WITH STIPULATIONS.

Chairman Kovalchik moves to adjourn the meeting at 8:10 PM. Member Behoriam seconds this motion and all vote in favor.

THE VILLAGE OF RED HOOK ZONING BOARD OF APPEALS MEETING ON MARCH 27, 2006 IS ADJOURNED AT 8:10 PM.

Respectfully submitted,

Village of Red Hook
Susan P. Nandor, Secretary
Zoning & Planning