

**VILLAGE OF RED HOOK  
ZONING BOARD OF APPEALS MEETING  
January 28, 2016  
7:00 PM**

Present: Chairman George Beekman, Member Erik Cuthell, Member Caroline Rider, Member Evelyn Krueger and Member Rebekah Aronson.

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Chairman George Beekman opened the January 28, 2016 ZBA meeting at 7:00pm.

Chairman George Beekman asked the Board members if they reviewed the minutes from the ZBA meeting dated December 17, 2015. Members in attendance said yes with the exception of new member Rebekah Aronson due to not being present at last month's meeting.

***Member Cuthell made a motion to accept the minutes of the ZBA Meeting dated December 17, 2015. Motion seconded by Member Rider. All in favor.***

Chairman George Beekman welcomed newly appointed ZBA member Rebekah Aronson.

**#1. Bobbi Jo Forte/Bonnie Schweppe      31-35 W. Market Street      Interpretation  
(Morgan's Cat Cafe)  
Tax Grid #6272-10-408743**

Chairman George Beekman advised that this applicant was returning for their Interpretation, which was discussed at last month's ZBA meeting. Chairman Beekman advised that this Board agreed that the business Morgan's Cat Café fell under permitted list of uses for eating, drinking, establishment, or restaurant and that this application is for a coffee shop/café promoting the adoption of cats or a themed Café. Chairman Beekman said this was referred to the ZBA for Interpretation because it was not specified in the Village Code and the ZBA needed to decide if it fits in the listing of allowed businesses. Chairman Beekman reminded that the proposal showed a separate location for the cats with a glass wall and the cats would be in their own territory. Chairman Beekman advised that the Board of Health would need to give approval.

Chairman Beekman read the Interpretation as follows:

**The ZBA finds that the decision of the ZEO Officer was incorrect on the application and that Morgan's Cat Café does falls under a permitted use as it is a coffee shop/café – eating establishment with an incidental theme of promoting adoption of cats.**

Chairman Beekman asked the Board members for any comment.

***Member Rider motioned to adopt the above Interpretation. Motion seconded by Member Cuthell. All in favor.***

**#2. Robin Cherry  
6272-10-330719**

**30 Prince Street**

**Area Variances (2)**

Chairman Beekman said that this applicant is returning for two area variances for relief from Sections 200-19-B and 200-19-B-6. Chairman Beekman read aloud both Zoning Sections.

Chairman Beekman said this application is listed as two area variances seeking relief from 200-19-B-6 maximum habitable floor space from 35% to 39.2% and 200-19-B Lot size from 1.5 acres to .4 acres.

Chairman Beekman asked the applicant if she had any comment. No comment.

Chairman Beekman asked the Board members for any comment. Member Rider asked with respect to the property, what does this property do for septic. Chairman Beekman advised it was tied into the house. Chairman Beekman asked if the Board of Health had any issues and if there was enough room. Applicant said yes. Chairman Beekman said they got a building permit to do this and it was revoked due to an error in the program that Sam Harkins was working with. Member Rider said she understands but wanted to make sure Board of Health gave approval. Member Cuthell asked the applicant if they got permits for all that. Applicant said yes. Chairman Beekman said the applicant got their permits and it was an existing building that was refurbished. Applicant said yes. Member Cuthell asked if a certificate of occupancy was issued for this. Applicant said yes. Chairman Beekman advised that a program listed this is an approved use and it was not and that is why the permit was revoked and that variances are now necessary.

Chairman Beekman advised that they would be using one SEQR form for both variances because it was one property. Chairman Beekman completed the short form SEQR. Chairman Beekman advised that this project will not result in any significant adverse environmental impacts.

***Member Rider made a motion to declare a negative declaration. Motion seconded by member Cuthell. All in favor.***

Chairman Beekman read aloud the definition of an area variance from Village Law Section 7-712-B of the Guide to Planning and Zoning.

**Chairman Beekman opened the public hearing at 7:15pm.**

Chairman Beekman asked if anyone would like to speak.

#1. Emily Trapp – 27 Fraleigh Street, Red Hook.

Emily said this was a nice home and was not opposed to this application.

#2. David McNary – 33 Prince Street.

Mr. McNary said he and his wife are moving here from Chicago and were looking for a temporary place while house hunting and are very happy with Robin's place and it has given them a positive impression of Red Hook and the entire neighborhood and that they feel privileged to be able to stay there. Mr. McNary said that the property adds character to the Street.

- #3. Kris Klose – representative of the EDC Committee and Historic Red Hook. Mr. Klose said he feels that in the continuing spirit of Red Hook that this is inviting and appreciates this process and thanked the Board and is in support of the redo of this property.
- #4. Daniel Baxter – 33 Prince Street, Red Hook.  
Mr. Baxter advised that this property is aesthetically pleasing, fits in with the character of the Street and that this upgrade is classy.

No other comment from the public.

***Member Cuthell made a motion to close the January 28, 2016 Public Hearing for 30 Prince Street at 7:20pm. Motion seconded by Chairman Beekman. All in favor.***

Chairman Beekman started with the Area Variance Interpretation – questions 1-5. Member Rider said that the good part of the public hearing is that we can hear from the people who will be affected, but with no such negative impact, and that it is important.

- #1. Undesirable change in the neighborhood character: No.
- #2. Alternative cure sought: No. This was an existing structure.
- #3. Substantiality: Building is not substantial. Lot is substantial.
- #4. Adverse effect or impact: No.
- #5. Self-created: No.

Member Rider asked about conditions and asks if the preexisting conditions shall continue. Chairman Beekman said no and to add a condition that upstairs remain storage only. Member Cuthell disagreed and said if they decided to put an addition on the house it would increase the square footage and then the additional space in the accessory building would be allowable. Chairman Beekman said that the way the rules are set is that the minimal size of the place that is there, and they don't want too many people in it either. Member Cuthell said if the house had a small bump out – the house would fall into conformity and this process would not have occurred and said he feels the only condition is that they not put any addition on the shed and that it remain at 547. Chairman Beekman said it is an apartment. Member Cuthell said that the accessory structure should stay at 547 sq. ft. Chairman Beekman said it already says that is has to be at least 400sq. and no more than 600sq.. Member Cuthell said and that we only want to grant the minimum and that it should state that it should remain at its current square footage. Chairman Beekman said in the past this Board has approved a garage and specified no apartments allowed upstairs. Member Cuthell said the upstairs here would just be a loft. Member Rider said it is limited to one bedroom anyway. Member Cuthell asked if CEO Harkins referenced a restriction of not using the loft. Applicant said yes it could only be used for storage. Member Cuthell asked if it was not considered finished square footage for the building. Applicant, Robin Cherry, said right. Chairman Beekman said we cannot increase the usage of it, but we can grant a variance but will have to minimize it as much as we can. Member Rider spoke about square footage and what could put them over 600 square feet. Member Cuthell felt

that we did not need to put any restrictions on it. Member Rider said in order to say that one would have to go there and measure the upper story and make sure that the upper and lower story together did not constitute more than 600 feet or 35% and feels that since it is already 547 downstairs that the upstairs should not be considered as habitable area. Chairman Beekman felt a condition should be that the upstairs remain storage space.

Secretary Hart gave Chairman Beekman a letter that was mailed to the office for tonight's Public Hearing. Chairman Beekman read aloud the letter dated January 19, 2016 from Janice Bissett Potter in support of the rental of the building located at 30 Prince Street.

***Chairman Beekman made a motion to approve an Area Variance for a Relief from Article 3 Section 200-19-B of the Village of Red Hook Zoning Code to allow for a decrease in lot size from 1.5 acres to .4 acres to allow an accessory apartment in a detached garage.***

***Member Cuthell made a motion to accept the area variance. Motion seconded by Member Rider. All in favor.***

***Chairman Beekman made a motion to approve an Area Variance for Relief from Article 3 Section 200-19-B-6 of the Village of Red Hook Zoning Code to allow for an increase from 35% to 39.2% to allow a conversion of detached structure into a studio apartment with the condition that the upstairs remain storage area only.***

***Member Cuthell made a motion to accept the area variance. Motion seconded by member Rider. All in favor.***

Chairman Beekman again welcomed newly appointed ZBA member Rebekah Aronson.

Chairman Beekman reminded board members of training and credit hours.

***Member Cuthell made a motion to close the January 28, 2016 ZBA meeting at 7:40pm. Motion seconded by Member Krueger. All in favor.***

Submitted by,

Lara Hart  
ZBA Secretary