

# TOWN OF ROSENDALE

## Zoning Board of Appeals

### Minutes

Tuesday, April 19<sup>th</sup>, 2016  
Rondout Municipal Center  
1915 Lucas Ave.  
Cottkill, NY 12419

Chair, Ann Houghtaling called the meeting to order with the Pledge of Allegiance at 7:02pm.

#### ROLL CALL:

Ann Houghtaling, Chairwoman	Present
David Soman	Present
Richard Hermance	Present
Frank Klepeis	Present
Kelleigh Mckenzie	Excused
Michael Camargo (Alt.)	Present @ 7:10
Stacy Lipari, Town Board Liaison	Present @ 7:20
Brisa Casas, Zoning Board Clerk	Present

#### Minutes:

Motion made by Ann Houghtaling, seconded by David Soman, to accept the minutes from the March 15<sup>th</sup> meeting.

Roll Vote: Chair Ann Houghtaling- Yes, Richard Hermance – Yes, Frank Klepeis – Yes, David Soman- Yes

Motion carried.

Public Hearing: None

Old Business: None

#### New Business:

#2016-1-Use Variance- M. Dugan Hasenflue

Location: 15 Washington Avenue

Marcelle Dugan- Hasenflue is present on behalf of this application. She is seeking a Use Variance for a garage that has been converted into an apartment.

The board discusses the following with the applicant:

- The board asks when the garage was constructed and if a building permit was obtained?

The applicant informs the board that the single family residence and the garage were built at the same time and both were existing structures when the parcel was purchased. The structures were constructed prior to the town's adoption of the State Building Construction Code and Town Zoning Code, therefore a building permit would not have been required at that time.

- What is the history of the structure?  
The structure was used as a garage/storage for many years after the property was purchased, at some point in the 90's it was converted into a small hair salon for her business. At the time of conversion she was under the impression her husband obtained the necessary permits and Certificate of Occupancy from the Rosendale Building Department.
- What is the current use of the structure?  
The structure is currently set up as a one bedroom apartment, with one bathroom and a small kitchen.
- Are there tenants occupy the apartment right now?  
No, the apartment is vacant as of April 1<sup>st</sup> 2016.
- When the salon was converted into an apartment was a building permit obtained?  
No, neither a building permit nor certificate of occupancy was obtained for the apartment.
- Are the utilities separate from the principal residence?  
The electric has a separate meter but the Water and Sewer is shared with the principal building.

The board would like the applicant to provide the following for review:

- Measurements of the garage (apartment) to calculate the square footage.
- Measurements of the principal dwelling to calculate the square footage.
- Square footage of both the residence and the garage to calculate overall parcel density.
- Detailed measurements of the overall parcel.
- Measurements of the setback of both structures from the road and also from any neighboring parcels property line.

Motion made by Ann Houghtaling, seconded by Michael Camargo, to set a Public Hearing for May 17<sup>th</sup> 2016 at 7:15pm and to refer this application to the Rosendale Highway Superintendent and the Rosendale Sewer and Water Superintendent for comments.

Roll Vote: Chair Ann Houghtaling- Yes, Richard Hermance – Yes, Frank Klepeis – Yes, David Soman- Yes, Michael Camargo- Yes

Motion carried.

#2016-2-Area Variance- K, Kellerman

Location: 14 Quaker Street

Ken Kellerman is present on behalf of this application. He is seeking an Area Variance for a proposed fence exceeding the height limit pursuant to Town of Rosendale Code §75-18 (G). He submits pictures of his parcel and neighboring parcels to the board at the meeting.

The board discusses the following with the applicant:

- What Zone is the parcel located in?  
Zone R-2

- How fences are defined in the Rosendale Town Code  
 §75-18 (G) *Fences and walls. The requirements of this chapter shall not apply to necessary retaining walls, fences or walls not exceeding a height of six feet in any side or rear yard in an R-1, R-2, R-2a or R-3 District, and not exceeding a height of four feet in any front yard of an R-1, R-2, R-2a or R-3 District, except where corner sight distances are required for traffic safety.*
- How the Town Code defines setbacks for fences that exceed height limits.  
 §75-18 (G) *Fences and walls that exceed these limits of the district in which they are located are considered to be structures and shall be subject to the area and bulk regulations as specified in § 75-11 (Density Control Schedule)*
- Why is he seeking the variance?  
 Mr. Kellerman is seeking the variance to visually screen out an unattractive neighboring parcel. He plans on selling his residence in the oncoming years and is concerned that the neighboring parcels appearance will deter potential buyers.
- The board reviews a letter from Highway Superintendent Robert Gallagher, regarding the fence setback requirements from the road for snow removal. The applicant and Superintendent Gallagher had an on-site meeting and a discussion about the allowable setback on the Quaker Street side of Mr. Kellermans parcel. The proposed fence must meet the setback of 16” from the West corner property line and maintain 4’ off the pavement on the Quaker Street side of the parcel. This was agreed upon by both Mr. Kellerman and Superintendent Gallagher at the on-site meeting.

The board would like the applicant to provide the following for review:

- Detailed measurements of the parcel, specifically the North-West corner.

Motion made by Ann Houghtaling, seconded by Richard Hermance, to set a Public Hearing for May 17<sup>th</sup> 2016 at 7:30pm and to refer this application to the Rosendale Highway Superintendent for comments.

Roll Vote: Chair Ann Houghtaling- Yes, Richard Hermance – Yes, Frank Klepeis – Yes, David Soman- Yes, Michael Camargo- Yes

Motion carried.

#2016-3-Use Variance- L. Loza

Location: 885 Route 32

Lenard Loza and Alexander Beccio are present on behalf of this application. They are seeking a Use Variance for a proposed medical office building. The building was previously converted from a residence to medical office space in 1993.

The board discusses the following with the applicant:

- The board reviews the Resolution dated July 16<sup>th</sup> 1991, for the original medical office conversion, application # 91-03-Fernando Sgroi. The applicant (Sgroi) was granted conditional approval based on two conditions: (A.) The variance is granted specifically

for medical office use which will be further subject to site plan approval by the Rosendale Planning Board, (B.) Should the medical office use be discontinued; the property may revert only to the uses permitted in the R-2 Zoning district.

- The board asks the applicants what the proposed use is for the building. Mr. Loza states that they are interested in using the building as medical offices again, they are unsure if they would rent it to a medical practice or to individual medical offices, such as a therapist or a psychologist.
- The history of the parcels use is reviewed by the board. It's unclear exactly how long the parcel was maintained as a medical office after it was converted. The most recent use of the building was private offices for New York State.
- The applicant is asked if any structures exist on the parcel other than the principal building. Mr. Loza states that there is a shed on the parcel, but it is in bad shape. He would like to fix it and use it for storage.
- Mr. Loza also tells the board that there was an old couch in the backyard that he removed and discarded last time he visited the parcel.

The board would like the applicant to provide the following for review:

- The applicant should research the SIC Codes pertaining to Health Services and Medical Offices. The board would like the applicant to choose a category, or SIC category number, that can be identified for the proposed use variance.

Motion made by Ann Houghtaling, seconded by David Soman, to set a Public Hearing for May 17<sup>th</sup> 2016 at 7:45pm and to refer this application to the Ulster County Planning Board for comments.

Roll Vote: Chair Ann Houghtaling- Yes, Richard Hermance – Yes, Frank Klepeis – Yes, David Soman- Yes, Michael Camargo- Yes

Motion carried.

### **Misc. Business:**

### **Correspondence:**

Chair Houghtaling reads out loud a letter regarding generators obtained by the Town of Rosendale for emergency power outages.

### **Adjournment:**

Motion made by Richard Hermance, to adjourn the meeting at 8:31pm

Respectfully Submitted,  
Brisa Casas  
Zoning Board of Appeals Clerk