

TOWN OF ROSENDALE ZONING BOARD OF APPEALS
RONDOUT MUNICIPAL CENTER
1915 LUCAS AVE.
COTTEKILL, NY 12419

Minutes
Tuesday, December 15th 2020

Chairwoman Ann Houghtaling called the meeting to order at 7:02 pm.

Roll Call:

Chairwoman Ann Houghtaling	Present
Richard Hermance	Present
Kelleigh Mckenzie	Present
Michael Camargo	Excused
Gary Jacobson	Present
Councilwoman Carrie Wykoff	Present
Brisa Casas, Clerk	Present

Old Business:

#2020-3-Area Variance

SBL: 62.18-1-12

Location: Risa Lane

Applicant: Felecia Kelder

Felecia Kelder is present on behalf of this application.

- The board reviews a letter submitted by the applicant stating in the past he tried to offer the land for sale to a direct neighbor, they declined.
- Chairwoman Ann Houghtaling and board member Kelleigh Mckenzie inform the board they conducted separate on-site visits to see the parcel and the surrounding neighborhood.
- The board discusses this application and the required criteria for review of an Area Variance.
- The board has a discussion about neighboring parcels, their sizes, whether they are vacant or have a single-family residence and their proximity to existing structures within the neighborhood.

RESOLUTION #6 OF 2020

WHEREAS, Ayvee Construction is the owner of record of a property at Risa Lane, Cottekill, NY 12419, Tax ID 62.18-1-12; and

WHEREAS, Ayvee Construction granted Felicia Kelder written permission to represent the owner in pursuit of an area variance necessary for building on said property; and

WHEREAS, Felicia Kelder submitted application #2020-3 for an area variance, located at Risa Lane, Cottekill NY 12419 Tax ID 62.18-1-12; and

WHEREAS, the ZBA conducted a public hearing on September 15th 2020 in regards to the above referenced application where all those wishing to be heard were heard; and

WHEREAS, the ZBA accepted written comments from the public in regards to the above referenced application for two weeks following the public hearing; and

Whereas, the ZBA has reviewed the Environmental Assessment Form submitted by the applicant, stating there is no environmental impact; and

WHEREAS; the ZBA has reviewed, considered and deliberated about the variances requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT RESOLVED, that the ZBA hereby determines that the application meets the requirements of the Zoning Code as set forth below.

1. An undesirable change will not be produced in the character of the neighborhood.
 - The neighborhood is residential and the existing lots with single family dwellings are similar in acreage; some being less and some being more; as this parcel. Although it is noted that there may be diminished privacy to a few neighboring parcels.
2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance.
 - The applicant does not own any adjoining lots that could be combined to increase the acreage to meet the requirements.
3. The requested area variance is not substantial.
 - The requested variance is 19.2%.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
 - The neighborhood is residential and the proposed use of the lot is for a single-family residence with a well and septic.

5. The alleged hardship is not self-created.
 - The original subdivision was completed in the 1970's, the parcel was purchased in the 1990's at which time the size of the lot was buildable, however the requirements for minimum lot acreage in an R1 zoning district has increased according to Chapter 75-Attachment 2- Density Control Schedule.

BE IT FURTHER RESOLVED, the proposed variance is the minimum variance that is necessary and adequate to achieve the applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that the ZBA therefore grants the requested area variance subject to the following conditions: All fees are paid in full.

Duly adopted this 15th day of December, 2020 by the following vote:

Chair Ann Houghtaling - Yes

Richard Hermance – Yes

Kelleigh Mckenzie – Yes

Gary Jacobson - Yes

Roll Vote = Yes (4)

Motion Carried.

Motion made by Chairwoman Ann Houghtaling, seconded by Richard Hermance, to approve resolution #6 of 2020

Roll Vote: Chairwoman Ann Houghtaling– Yes, Kelleigh Mckenzie –Yes, Richard Hermance– Yes, Gary Jacobson –Yes

Motion carried.

#2020-4-Area Variance
SBL: 62.82-5-17
Location: 382 Main Street
Applicant: Ron Faia

Ron Faia is present on behalf of this application.

The board discusses this application and the required criteria for review of an Area Variance.

RESOLUTION #7 OF 2020

WHEREAS, Ron Faia submitted application #2020-4 for an area variance for property located at 382 Main Street, Rosendale, NY 12472 Tax ID 62.82-5-17; and

WHEREAS, the ZBA conducted a public hearing on November 17, 2020 in regards to the above referenced application where all those wishing to be heard were heard; and

WHEREAS, the ZBA accepted written comments from the public in regards to the above referenced application for two weeks following the public hearing; and

Whereas, the ZBA has reviewed the Environmental Assessment Form submitted by the applicant, stating there is no environmental impact; and

WHEREAS; the ZBA has reviewed, considered and deliberated about the variances requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT RESOLVED, that the ZBA hereby determines that the application meets the requirements of the Zoning Code as set forth below.

6. An undesirable change will not be produced in the character of the neighborhood.
 - o The neighborhood is residential and a structure of similar size existed on the property for many years.
7. The benefit sought by the applicant cannot be achieved by some method other than the requested variance.
 - o Structures similar to the one existing on the property currently cannot be obtained in the exact footprint as previous. Current structure is 10' 1/2 x 54'; new structure is 14' x 60'.
8. The requested area variance is substantial.

The requested variance is 74.6%. However, the lot has contained a structure of similar size for many years. The applicant meets setback requirements.

9. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
 - The neighborhood is residential and the proposed use of the lot is for a single-family residence.

10. The alleged hardship is not self-created.
 - The property was purchased with an existing structure that did not meet setback requirements. The new structure will meet setback requirements.

BE IT FURTHER RESOLVED, the proposed variance is the minimum variance that is necessary and adequate to achieve the applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that the ZBA therefore grants the requested area variance subject to the following conditions: All fees are paid in full.

Duly adopted this 15th day of December, 2020 by the following vote:

Chair Ann Houghtaling - Yes

Richard Hermance – Yes

Kelleigh Mckenzie – Yes

Gary Jacobson - Yes

Roll Vote = Yes (4)

Motion Carried.

Motion made by Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie, to approve resolution #7 of 2020

Roll Vote: Chairwoman Ann Houghtaling– Yes, Kelleigh Mckenzie –Yes, Richard Hermance– Yes, Gary Jacobson –Yes

Motion carried.

#2020-5-Area Variance

SBL:70.42-4-12

Location: 741 Springtown Road

Applicant: Gianni Decicco

Gianni Decicco is present on behalf of this application.

- The board discusses this application and the required criteria for review of an Area Variance.
- It is noted that the Short Environmental Assessment Form Part 1 must be submitted within the next 30 days.

RESOLUTION #8 OF 2020

WHEREAS, Gianni DeCicco submitted application #2020-5 for an area variance for property located at 741 Springtown Road Tillson, NY 12486 Tax ID 70.42-4-12; and

WHEREAS, the ZBA conducted a public hearing on November 17, 2020 in regards to the above referenced application where all those wishing to be heard were heard; and

WHEREAS, the ZBA accepted written comments from the public in regards to the above referenced application for two weeks following the public hearing; and

Whereas, the ZBA has reviewed the Environmental Assessment Form submitted by the applicant, stating there is no environmental impact; and

WHEREAS; the ZBA has reviewed, considered and deliberated about the variances requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT RESOLVED, that the ZBA hereby determines that the application meets the requirements of the Zoning Code as set forth below.

11. An undesirable change will not be produced in the character of the neighborhood.
 - The neighborhood is residential and a structure of similar size existed on the property for many years.
12. The benefit sought by the applicant cannot be achieved by some method other than the requested variance.
 - The applicant does not own any adjoining lots that could be combined to increase the acreage to meet the requirements.
13. The requested area variance is substantial.

The requested variance is for rear setback of 85.72%. The requested variance for acreage is 80%. However, the lot has contained a structure of similar size and use for many years.

14. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

- The neighborhood is residential and the proposed use is residential.

15. The alleged hardship is not self-created.

- The property was purchased with an existing structure that will be updated to current standards.

BE IT FURTHER RESOLVED, the proposed variance is the minimum variance that is necessary and adequate to achieve the applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that the ZBA therefore grants the requested area variance subject to the following conditions: All fees are paid in full and a Short Environmental Assessment Form Part 1 is submitted within 30 days.

Duly adopted this 15th day of December, 2020 by the following vote:

Chair Ann Houghtaling - Yes

Richard Hermance – Yes

Kelleigh Mckenzie – Yes

Gary Jacobson – Yes

Roll Vote = Yes (4)

Motion Carried.

Motion made by Chairwoman Ann Houghtaling, seconded by Richard Hermance, to approve resolution #8 of 2020

Roll Vote: Chairwoman Ann Houghtaling– Yes, Kelleigh Mckenzie –Yes, Richard Hermance– Yes, Gary Jacobson –Yes,

Motion carried.

Public Hearing:

#2020-6-Area Variance

SBL: 70.4-1-3.100

Location: 613 Springtown Road

Applicant: Daniel Stanley/David Friedlander

There are no representatives present on behalf of this application.

Motion made by Chairwoman Ann Houghtaling, seconded by Richard Hermance, to postpone the public hearing for this application to January 19th 2021.

Roll Vote: Chairwoman Ann Houghtaling– Yes, Kelleigh Mckenzie –Yes, Richard Hermance– Yes, Gary Jacobson –Yes,

Motion carried.

Misc:

Proposed Organizational Items for the 2021 Rosendale Zoning Board

1. Chairman of the Zoning Board – Ann Houghtaling
2. Zoning Board Clerk – Brisa Casas
3. Zoning Board Attorney – Marylou Christiana
4. Zoning Board Meetings Time and Location – 7:00pm on the third Tuesday of each month, Rondout Municipal Center 1915 Lucas Ave Cottekill NY 12419
5. Zoning Board Newspaper – Daily Freeman

Motion made by Gary Jacobson, seconded by Richard Hermance, to accept the proposed 2021 Zoning Board organizational items.

Roll Vote: Chairwoman Ann Houghtaling– Yes, Kelleigh Mckenzie –Yes, Richard Hermance– Yes, Gary Jacobson –Yes,

Motion carried.

Town of Rosendale Zoning Board of Appeals
2021 Evaluation of Fee Schedule

Current Fees (effective 12/01/16)

Area Variance

- Non-Residential - \$150.00
- Residential - \$100.00

Use Variance \$200.00

Interpretation \$100.00

Proposed Fee Schedule for 2021

Area Variance

- Non-Residential - \$200.00
- Residential - \$125.00

Use Variance \$250.00

Interpretation \$125.00

Motion made by Chairwoman Ann Houghtaling, seconded by Gary Jacobson, to accept the proposed 2021 Zoning Board fee schedule as amended.

Roll Vote: Chairwoman Ann Houghtaling– Yes, Kelleigh Mckenzie –Yes, Richard Hermance– Yes, Gary Jacobson –Yes

Motion carried.

The board discusses the possibility of creating a fee review commission for future review of fees.

Adjournment:

Motion made by Gary Jacobson, seconded by Kelleigh Mckenzie, to adjourn the meeting at 8:17pm.

Roll Vote: Chairwoman Ann Houghtaling– Yes, Kelleigh Mckenzie –Yes, Richard Hermance– Yes, Gary Jacobson –Yes,

Motion carried.

Respectfully submitted,
Zoning Board of Appeals Clerk
Brisa Casas