

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

Minutes  
Tuesday, July 21<sup>st</sup> 2020

Acting Chair Gary Jacobson called the meeting to order at 7:04 pm.

Roll Call:

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

There is no council member present at this meeting.

Gary Jacobson serves as Acting Chair for this meeting.

Minutes:

Motion made by Acting Chair Gary Jacobson, seconded by Kelleigh Mckenzie, to accept the minutes from June 16th 2020 with the following amendments:

- All resolutions should include that a review of SEQRA Short EAF Part 1 was conducted by the board for each application.

Roll Vote: Acting Chair Gary Jacobson –Yes, Kelleigh Mckenzie –Yes, Michael Camargo – Yes

Motion Carried.

Public Hearing:

#2020-2-Area Variance

SBL:70.47-2-18

Location: 121 East Road

Applicant: Marcor Goodin

Marcor Goodin is present on behalf of this application.

Motion made by Acting Chair Gary Jacobson, seconded by Michael Camargo, to open the public

hearing at 7:08pm.

Roll Vote: Acting Chair Gary Jacobson –Yes, Kelleigh Mckenzie –Yes, Michael Camargo – Yes

Motion Carried.

- Letters of support from next-door neighbors on each side of Marcor’s property were submitted with the application and are reviewed.
- No public comment is made at this meeting.

Motion made by Acting Chair Gary Jacobson, seconded by Kelleigh Mckenzie, to close the public hearing at 7:18pm

Roll Vote: Acting Chair Gary Jacobson –Yes, Kelleigh Mckenzie –Yes, Michael Camargo – Yes

Motion Carried.

The following is discussed about this application:

- The board reviews the Short Environmental Assessment Form Part 1
- The board reviews the criteria for an Area Variance.
- The proposed addition is to expand his residence to accommodate his home office and living quarters.
- He emphasizes the possibility that, due to the ongoing pandemic, this coming school year could be a continuation of remote learning. If schools are closed his children will need more space to do school lessons/homework within his residence.
- He proposes a 16 x 30 addition.
- R-2 Zoning District
- Side setback in an R-2 is 20 feet from the side property line.
- His neighbor has a structure that is over his property line, demonstrating that other neighboring properties are not in compliance with the setbacks in an R-2 Zone.
- The lot is on a cul-de-sac and is narrow towards the front of the property.
- No other location for the addition to be built that would be both cost effective and meet the required setbacks from property lines.

Motion made by Kelleigh Mckenzie, seconded by Acting Chair Gary Jacobson, to approve application #2020-2-Area Variance-121 East Road with Resolution #5 of 2020.

Roll Vote: Acting Chair Gary Jacobson –Yes, Kelleigh Mckenzie –Yes, Michael Camargo – Yes

Motion Carried.

## Resolution #5 of 2020

*WHEREAS, Marcor Goodin submitted application #2020-2 for an area variance, located at 121 East Road High Falls NY 12440, SBL: 70.47-2-18; and*

*WHEREAS, the ZBA conducted a public hearing on July 21<sup>st</sup> 2020 in regards to the above referenced application where all those wishing to be heard were heard; 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 variance 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 parcel has an existing structure currently used as a residence that will be expanded into more residential space. The overall character of the parcel will remain the same.*
  
- 2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance. The applicant does not have another location to place the addition on the parcel where it will not require a variance.*
  
- 3. The requested area variance is substantial.*
  
- 4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The surrounding neighborhood is residential and the proposed use of the addition is residential.*
  
- 5. The alleged hardship is self-created. However, the board determined that it is not a significant factor in the granting of this variance.*

*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.*

*Duly adopted this 16th day of June 2020 by the following vote:*

*Motion made by Kelleigh McKenzie, seconded by Acting Chair Gary Jacobson, to grant approval for the requested Area Variance for application #2020-2 with Resolution #5 of 2020.*

*Kelleigh McKenzie – Yes*

*Michael Camargo – Yes*

*Gary Jacobson – Yes*

*Roll Vote: Yes*

*Motion Carried.*

### *Adjournment:*

Motion made by Kelleigh Mckenzie, seconded by Michael Camargo, to adjourn the meeting at 7:39pm.

Roll Vote: Acting Chair Gary Jacobson –Yes, Kelleigh Mckenzie –Yes, Michael Camargo – Yes

Motion Carried.

Respectfully submitted,  
Zoning Board of Appeals Clerk  
Brisa Casas