

TOWN OF ROSENDALE ZONING BOARD OF APPEALS

RONDOUT MUNICIPAL CENTER

1915 LUCAS AVE.

COTTEKILL, NY 12419

Minutes

Tuesday, June 16th 2020

Chairwoman Ann Houghtaling called the meeting to order at 7:03 pm.

Roll Call:

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

Minutes:

Motion made by Michael Camargo, seconded by Richard Hermance, to accept the minutes from January 21st 2020.

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

Motion Carried.

Public Hearing:

#2020-1-Area Variance

SBL:70.9-2-3

Location: 106 Bruceville Road

Applicant: Jed Tucker

Jed Tucker is present on behalf of this application.

The following is discussed about this application:

- The applicant proposes a conversion of an existing garage into an apartment.
- The property currently has a principal dwelling and a cottage.
- The conversion would result in the parcel having a total of three dwellings.
- His parcel is approximately 1.5 acres.
- No referral to the Ulster County Planning Board is required.

- Jed submitted more information to support his requested variance. He provided pictures of the property, a revised Site Plan, information on surrounding properties that had similar acreage to his parcel and multiple dwellings, a letter with statements regarding the cottage: the cottage has an existing tenant living in it, is not suitable for his mother because the bedroom is upstairs. The proposed apartment in the garage will have a bedroom for her on the first floor for easy access. He also responds to some of the criteria questions.

Motion made by Chairwoman Ann Houghtaling, seconded by Richard Hermance, to open the public hearing at 7:07pm

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

Motion Carried.

Public Comment

No public comment.

Motion made by Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie, to close the public hearing at 7:26pm

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

Motion Carried.

#2019-2-Use Variance- Tommy Dog Food Truck

SBL: 70.12-3-11

Location: Route 32

Applicant: Thomas Hayes

Thomas Hayes is not present.

The following is discussed about this application:

- Mr. Hayes has operated a food truck on this parcel for many years, he is not proposing to change the existing conditions in any way. He is thinking about his future retirement plans and if he decides to sell his business he would like to have the proper paperwork to show a potential buyer that the use is allowed.
- There will be no changes therefore this Use Variance request will not alter the character of the neighborhood.
- According to the referral matrix - no referral to the Ulster County Planning Board is required on vacant land within 500 feet of a State/County road when no changes to the parcel are proposed.

Motion made by Chairwoman Ann Houghtaling, seconded by Michael Camargo, to open the public hearing at 7:30pm

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

Motion Carried.

Public Comment

- Allison Yarme and Paul Friberg are in favor of this application.
- David Toder is in favor of this application.

Motion made by Chairwoman Ann Houghtaling, seconded by Richard Hermance, to close the public hearing at 7:35pm

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

Motion Carried.

Old Business:

#2019-3-Area Variance

SBL: 70.4-3-9

Location: 70 Cereus Way

Applicant: Allison Yarme and Paul Friberg

Allison Yarme and Paul Friberg are present on behalf of this application.

The following is discussed about this application:

- The application request is to expand an existing garage into a two car garage with an office on the second level.
- The garage will not meet setbacks from the side property line.
- The existing garage is currently being used as an office and not as a garage. The applicants would like to park their cars in the garage during the winter months but still need a space for a home office.
- This expansion/conversion of the garage will help them accomplish both without much change to the overall character of the property.
- They are unable to expand the garage in another area of the property because of utilities, leach field and slope/grade of the land.
- The new proposed structure will have a height increase to accommodate the office.
- Another property on Cereus Way has a two story garage.
- 8-foot setback is requested, 30 feet is required in the zoning district.
- It is important to note that the existing garage already does not meet the current zoning setbacks and was previously granted an Area Variance for it.

- The driveway and the garage already exist on the property.
- The parcel was purchased with the garage already existing on it.

Resolution # 1 of 2020

WHEREAS, Allison Yarme and Paul Friberg submitted application #2019-3 for an area variance, located at 70 Cereus Way New Paltz NY 12561, SBL: 70.4-3-9; and

WHEREAS, the ZBA conducted a public hearing on January 21st 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 garage that is currently used as an office and the proposed use is the same.

2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance. The applicant has utilities and his septic system on the other side of the driveway and the parcel terrain is not accommodating. A significant amount of alteration would need to be done and it would be cost prohibitive to place the garage in another location.

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 proposed use for the parcel is residential and therefore is the same as the surrounding parcels in the neighborhood.

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 Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie to grant approval for the requested Area Variance for application #2019-3 with Resolution #1 of 2020.

Chairwoman Ann Houghtaling – Yes

Richard Hermance – Yes

Kelleigh McKenzie – Yes

Michael Camargo – Yes

Gary Jacobson – Yes

Roll Vote: Yes

Motion Carried.

#2019-4-Area Variance

SBL:63.5-1-8.1

Location: 2649 Route 32

Applicant: Jacob Pileggi/David Toder

David Toder is present on behalf of the application.

The following is discussed about this application:

- The property is located on a very steep hillside.
- There is not much room on the property for expansion of the house so instead the applicant would like to expand his outdoor space.
- The existing driveway is very steep
- The entrance door is on the side of the dwelling
- The proposed deck will be 42 feet from the road
- Zoning District R1
- This application was referred to the Ulster County Planning Board; the response is “*No County Impact*”

Resolution # 2 of 2020

WHEREAS, Jacob Pileggi submitted application #2019-4 for an area variance, located at 2649 Route 32 Rosendale NY 12472, SBL: 63.5-1-8.1; and

WHEREAS, the ZBA conducted a public hearing on January 21st 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 deck and the proposed use is the same.*
- 2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance. A significant amount of the parcel terrain is not accommodating to construction with a very steep slope.*
- 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 proposed variance is to replace an existing deck with a larger deck.*
- 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 Chairwoman Ann Houghtaling, seconded by Gary Jacobson, to grant approval for the requested Area Variance for application #2019-4 with Resolution #2 of 2020.

Chairwoman Ann Houghtaling – Yes

Richard Hermance – Yes

Kelleigh McKenzie – Yes

Michael Camargo – Yes

Gary Jacobson – Yes

Roll Vote: Yes

Motion Carried

New Business:

#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.

The following is discussed about this application:

- Marcor has four children and works from home. He needs to expand his residence to accommodate his home office space 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 they continue with school buildings being closed his children will also need more space to do school lessons/homework.
- 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.
- The board reviews pictures submitted by the applicant of neighboring properties with expansion of garages and/or living space.
- There are letters of support from neighbors included with his application.
- No County referral is required.
- A public hearing should be set for the next meeting.

Motion made by Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie, to set a public hearing for application #2020-2-Area Variance to be held on July 21st at 7:00 pm

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

Motion Carried.

Old Business:

#2020-1-Area Variance

SBL:70.9-2-3

Location: 106 Bruceville Road

Applicant: Jed Tucker

Resolution #3 of 2020

WHEREAS, Jed Tucker submitted application #2020-1 for an area variance, located at 106 Bruceville Road Rosendale NY 12472, SBL: 70.9-2-3; and

WHEREAS, the ZBA conducted a public hearing on June 16th 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 garage that will be converted into the apartment. 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 enough acreage to construct another structure on the parcel, therefore the conversion of the existing garage is the necessary.*
- 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 garage 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 Chairwoman Ann Houghtaling, seconded by Gary Jacobson, to grant approval for the requested Area Variance for application #2020-1 with Resolution #3 of 2020.

Chairwoman Ann Houghtaling – Yes

Richard Hermance – Yes

Kelleigh McKenzie – Yes

Michael Camargo – Yes

Gary Jacobson – Yes

Roll Vote: Yes

Motion Carried.

#2019-2-Use Variance- Tommy Dog Food Truck

SBL: 70.12-3-11

Location: Route 32

Applicant: Thomas Hayes

Resolution #4 of 2020

WHEREAS, Thomas Hayes submitted application #2019-2 for a Use Variance, located on Route 32 Rosendale NY 12472, SBL: 70.12-3-11; and

WHEREAS, the ZBA conducted a public hearing on June 16th 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. The applicant cannot realize a reasonable return on his property. The parcel is too small to construct a dwelling for residential use and is restricted by Zone District R-1 for other business uses.*
- 2. The alleged hardship is unique and does not apply to a substantial portion of the neighborhood or district. The surrounding parcels are larger residential lots, his parcel is located on a narrow lot between the intersection of Perrines Bridge Road and NYS Route 32.*
- 3. The requested variance will not alter the essential character of the neighborhood. The parcel has an existing food truck business that has been operating on it for many years and the use will remain the same without any alteration to the surrounding neighborhood.*
- 4. The alleged hardship is not self-created. The parcel/business owner has maintained a food truck service on this parcel for almost 25 years and has never been informed he needed a Use 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 Chairwoman Ann Houghtaling, seconded by Kelleigh McKenzie, to grant approval for the requested Area Variance for application #2019-2 with Resolution #4 of 2020.

Chairwoman Ann Houghtaling – Yes

Richard Hermance – Yes

Kelleigh McKenzie – Yes

Michael Camargo – Yes

Gary Jacobson – Yes

Roll Vote: Yes

Motion Carried

Adjournment:

Motion made by Chairwoman Ann Houghtaling to adjourn the meeting at 8:36 pm.

Respectfully submitted,
Zoning Board of Appeals Clerk
Brisa Casas