

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

Minutes
Tuesday, February 15th 2022

Chairwoman Ann Houghtaling called the meeting to order at 7:25 pm.

Roll Call:

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

Minutes:

Motion made by Chairwoman Ann Houghtaling, seconded by Gary Jacobson, to accept the minutes from September 17th 2021 and the minutes from January 18th 2022.

Roll Vote: Chairwoman Ann Houghtaling – Yes, Michael Camargo –Yes, Gary Jacobson –Yes

Motion carried.

Public Hearing:

#2022-1-Area Variance

SBL: 62.2-5-11

Location: 590 Hickory Bush Road

Applicant: Andrea Gramalski

Zoning District: A

Acreage: 0.75

Andrea Gramalski is present on behalf of this application.

Motion made by Gary Jacobson, seconded by Chairwoman Ann Houghtaling, to open the public hearing for application #2022-1-Area Variance at 7:28pm.

Roll Vote: Chairwoman Ann Houghtaling – Yes, Michael Camargo –Yes, Gary Jacobson –Yes

Motion carried.

Andrea Gramalski gives the board and the public a summary of her requested variance application. She would like to build a new deck, install a cedar soaking tub and change the houses main entrance location.

Public Comments:

- An email was received from Bill Raffo of 588 Hickory Bush Road, stating that he is concerned about privacy, noise and the possibility of it being rented for Air B&B.
- Mr. and Mrs Makowitz – They live across the street at 586 Hickory Bush Road and ask for clarification on where the deck will be on the house.
Andrea – She screen shares the renderings/sketches of the proposed deck for the Makowitz’s to see what the finished deck will look like.
Mr. and Mrs Makowitz – After seeing the renderings/sketches and hearing the proposed variance details they think the deck looks very nice and it does not seem to affect their property at all. They are in support of her variance request for the deck.

Motion made by Chairwoman Ann Houghtaling, seconded by Michael Camargo, to close the public hearing for this application at 8:07pm.

Roll Vote: Chairwoman Ann Houghtaling – Yes, Michael Camargo –Yes, Gary Jacobson –Yes

Motion carried.

The board reviews and discusses the following about this application:

- The current entrance and walkway are on a steep hill.
- She purchased the house in August 2021.
- The deck will be used for personal residential use.
- She would also like to install a cedar soaking tub for personal use.
- The new deck will allow her to change the main entrance location of the house.
- The current house is already on an undersized non-conforming parcel.
- The house was originally built in 1928.
- Majority of the houses surrounding her are also undersized non-conforming parcels.
- This existing house and the neighboring houses do not meet the current Density Control Schedule requirements.
- Chairwoman Houghtaling conducted an on-site visit to the property.
- Chairwoman Houghtaling - After reviewing the renderings/sketch and conducting the on-site visit it does not appear that there are any other feasible options to accomplish the deck that would meet the current Density Control Schedule requirements.
- Andrea agrees with her assessment of the onsite visit. She also brings to the boards attention that the septic/cesspool is located in the front of her property, therefor the deck cannot be built in that location. The rear property line behind the house is even closer

than the proposed deck location therefore the deck cannot be located there. Furthermore, the neighbor's driveway runs along the property line on the other side of her house therefore the deck cannot be located there.

- Andrea is willing to put up a privacy fence or plantings to help the neighbors' concerns about impacts on his privacy.
- Mature plantings and fencing can help with both noise and visual impacts of the proposed deck and cedar soaking tub.
- The board asks Andrea is she intends on renting the house as an Air B&B.
- Andrea responds: No, she has no intention of using this house as a rental in any form. She lives there with her daughter, its conveniently close to her office, the Wallkill Rail Trail system and she loves living there.
- The board feels it is important to note there are currently no restrictions on residents using their residences as Air B&B rentals.

After in depth discussion and review the board members are ready to make a decision on this application.

RESOLUTION # 1 OF 2022

WHEREAS, Andrea Gamalski submitted application #2022-1 for minimum setback area variance for property located at 590 Hickory Bush Rd, Kingston, New York 12401, Tax ID 62.2-5-11; and

WHEREAS, the ZBA conducted a public hearing on February 15, 2022 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; 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 addition of a deck will not change the character of the neighborhood and will enhance the aesthetics of the property and increase safety for the homeowners.

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 substantial, however the ZBA has determined that it is not a significant factor in the granting of this variance.
 - The requested variance is substantial, 86% on one side, 60% on the other side and 50% in the rear.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
 - No trees will be downed and the landscape will not be changed in the construction of the deck.
5. The alleged hardship is not self-created.
 - The home was built in 1928 prior to the enactment of the current Density Control Schedule.

BE IT FURTHER RESOLVED the following conditions are imposed on this application: Applicant will install screening and/or buffering on the northwest side of the property to mitigate any impact on the neighboring property.

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.

Duly adopted this 15th day of February, 2022 by the following vote:

Chair Ann Houghtaling - Yes

Michael Camargo – Yes

Gary Jacobson - Yes

Correspondence:

- A volunteer application was received from Jeff Miller via mail; however, a resume was not attached. The board would like to invite him to the next meeting to meet him and discuss the board position.

Adjournment:

Motion made by Chairwoman Ann Houghtaling, seconded by Michael Camargo, to adjourn the meeting at 8:28 pm.

Roll Vote: Chairwoman Ann Houghtaling – Yes, Michael Camargo –Yes, Gary Jacobson –Yes

Motion carried.

Respectfully submitted,
Zoning Board of Appeals Clerk
Brisa Casas