

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL  
WEDNESDAY, FEBRUARY 25, 2015

MEMBERS PRESENT:

Rocco Mancini, Chairman  
Stephanie Fitzpatrick  
Ingrid Kulick  
Martin Otter  
Phillip Zemke

MEMBERS ABSENT:

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

**Public Hearings:**

1. **Gardom Area Variance** – Bruce Gardom appeared for the public hearing for his application for an area variance for lot area on property located at 76 East Lake Lane, tax grid number 6473-00-229984 in the A3A zoning district. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Gardom is working with the Planning Board per Section 200-23, Conversion of existing buildings and structures, to convert an existing studio into an accessory dwelling unit. He has one accessory dwelling unit on the property now. A conversion requires six acres for two accessory units and Mr. Gardom has four acres so the Planning Board sent him to the ZBA for a variance from the required six acres to four acres. As was requested at the January meeting, Mr. Gardom submitted the parking plan for the second accessory dwelling unit. He has parking on either side of the road, three spaces on the house side and two on the lake side. There is a separate approved septic and well for this unit. Mr. Zemke said this is a density issue – the applicant has three dwellings on four acres where six are required but he has the necessary utilities and the septic and well have been installed. There is a CO in the file for the studio. Mr. Zemke, who lives in the area, said he thinks this is a straight forward variance. Chairman Mancini said he visited the site and while the road seems tight, Mr. Gardom seems to have plenty of parking spaces. The parking areas are approximately 10 feet wide and 16 feet deep. Mr. Gardom said there is plenty of space for parking. There was no one from the public present for this application.

Mr. Zemke motioned to close the public hearing. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

Chairman Mancini and the Board completed the Findings and Decision which state that an undesirable change will not be produced in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance, the requested variance is not substantial, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because there is no physical change to the property as this is a conversion of an existing building, the alleged difficulty is self-created, and the benefit to the applicant does outweigh the detriment to the neighborhood or community. There are no conditions.

Chairman Mancini motioned that the Zoning Board of Appeals approve the Findings and Decision. Mr. Otter seconded. All aye. Motion carried 5-0.

**Applications:**

1. Marissa and Justin Berryann appeared seeking an area variance from the required 50 foot side yard to 30 feet to construct an attached 28'4" x 24'2" garage with a second story finished room on property located at 129 Lamoree Road, Rhinebeck, tax grid no. 6470-00-047050. Mr. Berryann said they would like to add a garage on the side of their ranch style house and make a bonus room on the second floor for a playroom for their expanding family. He said this is the only side they can put the garage on because this is the side where the driveway is and on the other side there are trees and a hill. When asked, Mr. Berryann said there will be no steps coming off of the garage on that side of the building so there will be no further encroachment into the setback area. The Board agreed the application was complete.

M. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Berryann application for an area variance for the March 25, 2015 ZBA meeting. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

2. Joseph Halpin appeared seeking a special use permit for an accessory dwelling unit on property located at 89 East Lake Lane, tax grid no. 6473-00-222924. The back of the house faces the lake and we put in a 12 x 26 patio and a studio apartment in the basement. They are not adding anything to the house. The apartment is built already. When the building inspector came out to do his inspection, he told Mr. Halpin he would need a special use permit for an accessory apartment. Mr. Halpin said the apartment is fire rated and sound proofed. There is plenty of space in the front for parking which he showed the Board on the map. The Board agreed the application was complete.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals set the date for the public hearing for the Halpin application for a special use permit for the March 25, 2015 ZBA meeting. Mr. Zemke seconded. Motion carried 5-0.

3. John Magnarella appeared seeking an area variance from the required 50 foot rear setback to 15 feet for an existing 10 x 30 foot deck on property located at 1070 Willowbrook Road, tax grid no. 6570-00-525586. Mr. Magnarella said he had to get a setback variance for the rear lot from the required 50 feet to 25 feet when he built the house. He didn't realize he needed it for the deck as well. Since the deck is 10 feet in width, he is requesting a variance to 15 feet. The Board agreed the application was complete.

Mr. Zemke motioned that the Zoning Board of Appeals set the date for the public hearing for the Magnarella application for an area variance for the March 25, 2015 ZBA meeting. Ms. Fitzpatrick seconded. All aye. Motion carried 5-0.

**Discussion Items: None**

**Administrative Items:**

- **Approval of Minutes:** Ms. Kulick motioned that the Board accept the minutes of the January 28, 2015 meeting as presented. Mr. Otter seconded. All aye. Motion carried 5-0.

Ms. Fitzpatrick motioned to adjourn the meeting at 8:20 p.m.. Mr. Zemke seconded. All aye. Motion carried 5-0.

The next meeting will be held on Wednesday, March 25, 2015 at 7:00 p.m. at the Town Hall.

Respectfully submitted,



Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board