

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

MEMBERS PRESENT:

Rocco Mancini, Chairman  
Ingrid Kulick  
Martin Otter  
Phillip Zemke

MEMBERS ABSENT:

Stephanie Fitzpatrick

ALSO PRESENT:

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

**Public Hearings:**

1. Ms. Kulick motioned that the ZBA adjourn the Halpin public hearing at the request of the applicant until the April 22, 2015 meeting. Mr. Otter seconded. All aye. Motion carried 4-0.
2. Marissa 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. Chairman Mancini read the legal notice that was published in the paper and sent to neighboring landowners and opened the public hearing. Ms. Berryann said they would like to build a garage on the driveway side of the house with a playroom on the second floor. Sheila Marino, a neighbor, said she has no problem with it.

Mr. Zemke motioned to close the public hearing. Ms. Kulick seconded. All aye. Motion carried 4-0.

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, 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.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings and Decision. Ms. Kulick seconded. All aye. Motion carried 4-0.

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. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Bob Schroeder, a neighbor whose lot abuts the Magnarellas' rear lot line, was in attendance and said he had no objections. Ken Kreminik, a neighbor, sent a letter that he has no objections. Mr. Magnarella said

the deck is constructed. It could not go on the side of the house as it would be on top of the well and propane tank and it would not be pleasing to have a deck at the front of the house. Mr. Magnarella had to get a rear yard variance to put the house in as well. There are stairs leading out onto the deck which is a bi-level deck.

Mr. Zemke motioned to close the public hearing. Mr. Otter seconded. All aye. Motion carried 4-0.

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, 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.

Ms. Kulick motioned that the Zoning Board of Appeals approve the Findings and Decision. Mr. Zemke seconded. All aye. Motion carried 4-0.

**Applications:** None

**Discussion Items:** None

**Administrative Items:**

- **Approval of Minutes:** Mr. Zemke motioned that the Board accept the minutes of the February 25, 2015 meeting as presented. Ms. Kulick seconded. All aye. Motion carried 4-0.

Mr. Otter motioned to adjourn the meeting at 7:25 p.m. Mr. Zemke seconded. All aye. Motion carried 4-0.

The next meeting will be held on Wednesday, April 22, 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

