

**TOWN OF RHINEBECK
ZONING BOARD OF APPEALS
AGENDA
March 16, 2016 - 7:30 PM**

I. CALL TO ORDER

II. MINUTES

Approval of Minutes of the March 2, 2016 meeting.

III. NEW BUSINESS

Alex Chapple – 56 -58 Fox Hollow Rd - Application for In-ground Swimming Pool, Hot Tub, Pool house, Emergency generator, in the southwest portion of Rhinebeck.
Parcel #: 6169-00-405010 – Case #920.

Application and plan for the installation of an in-ground swimming pool, install a hot tub, the construction of a pool house enclosure, the installation of an emergency generator on property located in a RA10 zone have been reviewed. The application does not meet a number of our Town zoning laws including setbacks and area & bulk regulations as follows:

1. Zoning setbacks in the RA10 zone requires a 150 foot *front yard setback* along the fronting street, Fox Hollow Road, this proposal included variations as follows:
 - a. Main House w/28 foot setback, 122 foot vary required
 - b. Cottage w/110 foot setback, 40 foot vary required
 - c. Pool House w/100 foot setback, 50 foot vary required
 - d. Emer. Generator w/130 foot setback, 20 foot vary required

Variances required for all four, Reference 125-21
2. The Zoning setbacks in the RA10 zone requires a 100 foot *side yard setback* this proposal included variations as follows:
 - a. Cottage w/1.5 foot setback, 98.5 foot vary required
 - b. Pool House w/82 foot setback, 18 foot vary required
 - c. Emer. Generator w/83 foot setback, 17 foot vary required

Variances required for all three, Reference 125-21
3. The subject property is a pre-existing non-conforming lot size, at 3.3 acres in a 10 acre zone [RA10], and as such will *require an area Variance*.
Reference Zoning Chapter 125; sections, 125-15, 125-19, 125-21
4. Roofed Accessory structures shall in the aggregate comprise not more floor area than either the principal dwelling on the lot or 1,500 sq. ft., whichever is more restrictive. These accessory structures appear to be equivalent to 2,406 sq. ft., and therefore, *Variance required*, for 906 sq. ft. Reference 125-27(A) (4)
5. No such accessory structure shall be set back less than 20 feet from any lot line.
Variance required, for the pre-existing Cottage, Refer to 125-27 A (2).
6. All Accessory structures shall in the aggregate not occupy more than 20% of the required yard area, nor, with roofed structures occupy more than 1,000 square feet of any required yard. The total accessory structures within the yards equal 4,540 sf., with

1,000 sf. allowed, requiring a variance of 3,540 sf. and therefore, *Variance required.* Reference 125-27(A) (5)

Note: Separate Planning Board Approvals are also required for this project.

Noel Raskin & Deborah Axelrod -36 Wyndclyffe Court - Application for reconstruction of garage, addition to the main dwelling, deck addition, in-grd. pool and pool house, and a shed with an emergency generator. Grid #: 6068-00-777764 – Case # 921.

Application for the removal and reconstruction of a slightly larger garage, an addition to the main dwelling, a deck addition, add a pool and pool house and a shed with an emergency generator have been reviewed. The property is along the Hudson on Wyndclyffe Court, along Mill Rd (CR 85) which is also a Scenic Road and is in the LWRP, as well as the HP20 zone. The application does not meet a number of our Town zoning laws including setbacks and area & bulk regulations as follows:

1. Zoning setbacks in the HP20 zone requires a 200 foot front yard setback along the fronting street, this proposal included variations as follows:
 - a. Main House w/75 foot setback, 125 foot vary required
 - b. Garage w/62 foot setback, 138 foot vary required
 - c. Pool House w/102 foot setback, 98 foot vary required
 - d. Pool, w/103 foot setback, 97 foot vary required
 - e. Emer. Generator-shed w/72 foot setback, 128 foot vary required

Variances required for all five, Reference 125-21
2. The Zoning setbacks in the HP20 zone requires a 150 foot side yard setback this proposal included variations as follows:
 - a. Porch w/59 foot setback, 91 foot vary required
 - b. House w/67 foot setback, 83 foot vary required
 - c. House w/115 foot setback, 35 foot vary required
 - d. Garage w/69 foot setback, 81 foot vary required
 - e. Generator shed w/41 foot setback, 109 foot vary required
 - f. Pool w/128 foot setback, 22 foot vary required
 - g. Pool w/104 foot setback, 46 foot vary required
 - h. Pool w/141 foot setback, 9 foot vary required
 - i. Pool house w/89 foot setback, 61 foot vary required

Variances required for all nine, Reference 125-21
3. The subject property is a pre-existing non-conforming lot size, density at 2.5 acres in a 20 acre zone [HP20], and as such will *require an area Variance.* Reference Zoning Chapter 125; sections, 125-15, 125-19, 125-21
4. The number of Accessory Structures exceeds the allowable; Code- allow no more than three (3) accessory structures shall be permitted on an individual residential lot. This parcel contains four (4) accessory structures, including; the proposed structures *Variance required for 1 additional, Reference 125-27 (A) (6)*
5. The overall lot coverage shall not exceed 5%, This proposal includes 7,673 sq. ft. coverage, equivalent to 7.1%, *Variance required, Refer to 125-21*
6. Minimum Lot width in the HP20 is required to be 500 ft., this lot is 288 feet, variance required = to 212 lin. ft. *Variance required, Refer to 125-21*
7. Minimum Lot frontage in the HP20 is required to be 500 ft., this lot is 310 ft., = to 190 foot Variance required, refer to 125-21

8. All Accessory structures shall in the aggregate not occupy more than 20% of the required yard area, nor, with roofed structures occupy more than 1,000 square feet of any required yard. The total accessory structures within the yards equal 1,436 sq. ft., with 1,000 allowed, requiring a variance of 436 sq. ft. and therefore, *Variance required.* Reference 125-27(A) (5)
9. No such (accessory) structure shall project closer to the fronting street than the principal building on the lot. The garage is situated closer [63 ft.] to the street than the house, 88ft, *Variance required for this structure,* Reference 125-27A (3)

Note: Separate Planning Board Approvals are also required for this project.

IV. PUBLIC HEARINGS

7.35 p.m. Irving, Elizabeth Sloan (Nevien Sidarus) -19 E. Cedar Lane - Application for an Addition to House - Grid #: 6370-02-610716 – Case #918.

A building permit application for the construction of an addition to the house, this property is located in a RC5 zone has been reviewed. The application does not meet several of our Town zoning laws including setbacks and area & bulk regulations as follows:

1. The subject property is a pre-existing non-conforming lot size, at 1.0 acre in a 5 acre zone, and as such will require an area variance.
Reference Zoning Chapter 125; sect. 125-15, 125-19, 125-21.
2. Zoning setbacks in the RC5 zone requires a 50 foot *side yard* setback, and the plan shows a proposed 33 foot setback from the proposed addition to the side yard property line, this yard requires a 17 foot area variance.
Reference 125-21.

7.45 Marc Wisotsky - 3 Mt. Rutsen Road - Application for Ground Mounted Solar along Scenic Old Post Rd. & House additions, fronts on Mt. Rutsen Road & Old Post Road (both scenic roads) - Grid #: 6170-01-376836. Case # 919.

Applications for removal of porches, and small additions as well as for a new 741 square foot ground mounted solar array, for a property located in a RA10 zone has been reviewed. The property fronts along three roads including frontage on two streets, being Mt. Rutsen Road and Old Post Road, which are both Scenic roads. The application does not meet a number of Town zoning laws including setbacks and area & bulk regulations as follows:

1. Zoning setbacks in the RA10 zone requires a 150 foot front yard setbacks along both fronting streets [Mt. Rutsen & Old Post] this proposal included as follows:
 - a. Workshop # 2 w/145 ft setback to Old Post, 5 ft. vary required.
 - b. Shed # 3 w/136 ft. s-back to Old Post, 14 ft. vary required
 - c. Pavilion # 8 w/109 ft. s-back to Old Post 41 ft. vary required
 - d. Pavilion # 8 w/117 ft. s-back to Mt Rutsen, 33 ft. vary required.
 - e. Main Dwelling w/24 ft. s-back to Mt. Rutsen, 126 ft. vary required.
 - f. Proposed Solar Array from Old Post w/ 47 ft. s-back 103 ft. vary req'd.

Variances required for all six, Reference 125-21
2. The subject property is a pre-existing non-conforming lot size, at 2.8 acres in a 10 acre zone [RA10], and as such will *require an area Variance.*

Reference Zoning Chapter 125; sections, 125-15, 125-19, 125-21

3. The number of Accessory Structures exceeds the allowable; Code- allow no more than three (3) accessory structures shall be permitted on an individual residential lot. This parcel contains ten (10) accessory structures, including; the proposed ground mounted solar array *Variance required for 7 additional*, Reference 125-27 (A) (6)
4. Roofed Accessory structures shall in the aggregate comprise not more floor area than either the principal dwelling on the lot or 1,500 sq. ft., whichever is more restrictive. These ten (10) accessory structures appear to be equivalent to 1,861 sq. ft., and therefore, *Variance required*, for 361 sf. Reference 125-27(A) (4)
5. No such accessory structure shall be set back less than 20 feet from any lot line. *Variance required*, Refer to 125-27 A (2).
6. All Accessory structures shall in the aggregate not occupy more than 20% of the required yard area, nor, with roofed structures occupy more than 1,000 square feet of any required yard. The total accessory structures within the yards equal 2,603 sq. ft., with 1,000 allowed, requiring a variance of 1,603 sq. ft. and therefore, *Variance required*. Reference 125-27(A) (5)
7. No such (accessory) structure shall project closer to the fronting street than the principal building on the lot. The property has frontage on two roads [M.R.- O.P.]
 - Garage # 1
 - Workshop # 2
 - Shed # 3
 - Shed # 4
 - Tower # 5
 - Shed # 6
 - Well house # 7
 - Pavilion # 8
 - The proposed Solar Array, near Old Post Road. # 9*Variance required for 9 structures*, Reference 125-27 A. (3)
8. Solar Collectors are not permitted in a front yard, in this situation along Old Post Road, proposed to be 47 feet from Old Post front yard line. *Variance required*, Refer to 125-47 D. (9).

7.55 p.m. Thomas Wolzien (Jordan Valdina) - 447 Rhinecliff Road – Addition, Alterations to Principal Dwelling-- Demo existing Studio/Garage – Build New Studio/Garage – Porte Cochere - Grid#: 6070-18-406046 – Case # 914.

Note:

Pending Planning Board and other approvals, this Public Hearing will be continued to the next meeting of the ZBA on Wednesday, April 6, 2016.

The Rhinecliff Road property is situated in the RM1 zoning district, the Rc-O Rhinecliff Overlay dist., the Local waterfront – Coastal zone, LWRP within 1000 feet of the Hudson River, the Towns Landmark Historic District, and is adjacent to the Rhinecliff Train Station. Finding is that the site plan layout does *not* meet the Town zoning code requirements and as submitted a Building Permit cannot be issued until various other Town approvals are obtained.

1. The principal dwelling structure gross square footage allowed is = 2,300 sq. ft., proposed gross sq. ft. = 3,589 sq. ft. *Variance required*, refer to 125-69 C (7)

2. The bulk regulations allow for the maximum lot coverage to be = 10%, the current existing coverage = 12.3% and with the additions the proposed lot coverage = 16.8% *Variance required*, refer to 125-21
3. The accessory structures exceed the total square feet floor area equaling = 1,476 sq. ft., where a maximum of up to 650 sq. ft. is allowed per the code, *Variance required*, refer to 125-69 C. (5)
4. No accessory structure shall exceed 20 feet in height, Proposed = 24 ft., four foot height *Variance required*, refer to 125-27 A (1)

Note: Planning Board Approvals are also required for this project.

8.00 p.m. Andrew Solomon-Marienruh (M. Sloan) - 367 River Road- Accessory Apartments and Other Structures - Grid #: 6071-00-760185 – Case # 911.

Note:

Pending Planning Board and other approvals, this Public Hearing will be continued to the next meeting of the ZBA on Wednesday, April 6, 2016.

Application for Accessory Apartments, Reflecting Pool, Pool House, Courtyard, Greenhouses, Pergola, Terrace, Walk paths, Temple, and Tennis Court in a property located in a HP20 zone has been reviewed. The application does not meet a number of Town zoning laws including setbacks and area & bulk regulations as follows:

1. Zoning yard setbacks in the HP20 zone requires a 150 foot side yard setback, this proposal included as follows:
 - a) a Reflecting pool w/ 107 ft. setback, V = 43 ft.
 - b) a Temple w/ 125 ft. setback, V = 25 ft. and
 - c) an Emergency generator w/ 135 ft. setback, V = 15 ft.

Variances required for all 3 structures, Reference 125-21
2. The Code allows a maximum building height of 35 feet, The 44 feet height of the existing principal dwelling exceeds the code requirement of 35 feet max allowed, *Variance required*, Reference 125-21.
3. No such accessory structure shall project closer to the fronting street than the principal building on the lot,. *Variance required for 2 structures*, the garage and the generator are situated closer to the road, *Variance Required*. Reference 125-27 A. (3).
4. Accessory structures shall in the aggregate comprise not more floor area than either the principal dwelling on the lot or 1,500 sq. ft., whichever is more restrictive. These eleven accessory structures appear to be equivalent to 40,933 sq. ft., and therefore, *Variance required* for the 39,433 sf. Reference 125-27 A. (4).
5. The total number of Accessory Structures as proposed exceeds the allowable; Code allows that no more than three (3) accessory structures shall be permitted on an individual residential lot. This parcel will contain a total of eleven (11) accessory structures, with four existing and seven proposed, including; the garage, tennis ct., house gen & cond., reflect pool, swim pool, pool house, pool house gen + cond., greenhouse, greenhouse gen, pergola, and temple. *Variance required for 8 additional A.S.'s*, Reference 125-27 A. (6)

Note: Planning Board Approvals are also required for this project.

V. OLD BUSINESS

Celeste Grosso - 47 Haggerty Hill Road -Small House Addition- Grid#: 6168-00-930788. Case # 915.

Building permit application for the installation of a small addition onto the house situated in the RC5 zone. Finding is that the site plan layout does not meet the Town Zoning code requirements in several areas as follows:

1. The Lot size in acres is non-conforming; 5 acres are required in the RC5 zone, and 1.61 acres is actually available, Variance required, refer to 125-19 and 125-21.
2. Zoning setbacks in the RC5 zone requires a 100 foot front yard setback. The plan shows a 85 foot setback from the front property line to the proposed front side of the house addition (bump out), and the existing house front is setback 30 feet, the front yard setback to the addition requires a 15 foot front yard area variance, and/or the front of the house requires a 70 foot variance, Refer to 125-19 & 125-21.
3. Zoning setbacks in the RC5 zone requires a 50 foot side yard setback, and your plan shows a 43 foot setback from the proposed addition to the side yard property line, this yard requires a 7 foot area variance, Refer to 125-19 and 125-21.

Heart Ford LLC -Rhinebeck Ford (M. Graminski) - 3667 NYS Rte 9G- Lights- Signage- & Parking – Grid #s 135089-6171-00-862418 (lot 1) and 836458 (lot 2)- Case # 916.

Application for a Sign Permit for the use of the existing light poles and fixtures, the requirements for parking area setbacks, as well as proposed installation of additional signage on the building façade in addition on the existing freestanding pylons of the Rhinebeck Ford site located along Route 9G has been reviewed. Several aspects of Site plan do not comply with the Town Zoning requirements as follows:

1. Light poles and light fixtures are allowed to be set at a maximum height of 15 feet, whereas building mounted fixtures are set at 16 ft., and the existing pole mounted lights are mounted at 33 feet and 35 feet, considerably in excess of the allowable 15 feet. Variances required, refer to 125-56.
2. Parking lot front yard setback is required to be setback 10 feet from the front property line, whereas proposed is a 4 foot setback. Variance required, refer to 125-36.
3. Business Signage is in excess of the allowable square footage, dimensions, the number of signs, and sign location to the property lines. Overall the Rhinebeck Ford site Signage exceeds the code requirements in all regards. Variances required, refer to 125-37.

Corinna Parker (M. Graminski) -123 Daisy Lane- Construction of a Detached Accessory Dwelling - Grid#: 6371-00-741635. Case # 917.

Building permit application for the construction of a detached accessory dwelling was reviewed for the property situated in the RC5 zone.. Finding is that the site plan layout does not meet the Town Zoning code requirements in several areas as follows:

1. Zoning setbacks in the RC5 zone requires a 100 foot front yard setback. The plan shows a proposed 77 foot setback from the front property line to the front of the proposed accessory dwelling, this front yard setback requires a 23 foot front yard area variance, Refer to 125-19 & 125-21.
2. Zoning setbacks in the RC5 zone requires a 25 foot front yard setback to the parking area, and your plan shows a 2 foot setback to the property line, this yard requires a 23 foot area variance, Refer to 125-19 and 125-21.
3. Accessory Structures limits a residential property to only one private garage, with this application there appear to be two garages (applicant confirm) with one proposed in the accessory structure, and one garage existing in the primary residence. Variance required, limit of 1, refer to 125-27 A (6).
4. Accessory structure cannot project closer to the fronting street than the principal dwelling, As the principal dwelling is situated at an angle, front being 76 feet (sw cor) and 82 feet (nw cor) relative to the front property line, as such the front plane of the front of residence projected forward, then places the proposed accessory dwelling closer to the roadway than the principal dwelling ...Variance, refer to 125-27 A (3).
5. All roofed Accessory Structures shall in the aggregate comprise not more than 1,500 square feet of floor area; The structures on this parcel total about 2,165 sq. ft. Variance required for a change of about 665 sq. ft. over that allowed, Refer to 125-27 A. (4)

Note: this proposed project also requires Planning Board Approval.

VI. CORRESPONDENCE

VII. ADJOURNMENT