



TOWN of RHINEBECK

Zoning Board of Appeals

80 East Market Street, Rhinebeck, NY 12572

Phone: (845) 876-6296 Fax: (845) 876-5885

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Rhinebeck will hold a Public Hearing, pursuant to Section 267 of the Town Law, on the Application of:

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).

Said Hearing will be held on the 16th day of March at 7.45 p.m. in the Town Hall, 80 East Market Street, Rhinebeck, NY 12572.

The Zoning Board of Appeals, at said time and place will hear all persons or their agents in support of this matter, or any objections thereto.

By Order of the ZBA,

Margarita Rincon
Zoning Secretary
March 7, 2016