

**TOWN OF RHINEBECK
ZONING BOARD OF APPEALS
AGENDA
June 1, 2016 - 7:30 PM**

I. CALL TO ORDER

II. MINUTES

Approval of Minutes of the May 18, 2016 meeting.

III. NEW BUSINESS

E. Wallach-D Foster (M.Graminski) - Application to increase the floor size of Accessory Structure - 293 Wurtemberg Road - Parcel #: 6269-00-722442 – Case #927. [Area Variances previously approved Cases # 879 and # 907].

Building permit application to demo a barn and construct a new larger barn in the front yard has been reviewed. Refer to Rhinebeck Zoning Code Chapter 125 Section 125-27. Accessory Structures, see A (4), and A (3). The site plan layout does not meet the Town zoning code requirements as follows.

1. Total accessory structures allowed is three (3), where a total of six (6) structures are now proposed. Total aggregate accessory structure floor area shall not exceed 1,500 sq.ft. This proposal totals 4,696 sq ft.
2. The request to construct a new barn is for replacement of an existing barn, this new larger barn will be located much closer to the fronting street than the principle
Note: This project also requires Planning Board approvals.

David Chapman - Application for Lot Line Amendment – Need for Variances at #16 and # 30 Valley Way Road – Parcel #s 6069-06-464899 and 440878 – Case # 928.

Application for a Lot Line Amendment between two parcels has been reviewed. A new lot line between Lot # 2A and # 2B and the resulting plan in the RL5 Zone creates non-compliance with the Town zoning code requirements as follows:

1. Zoning setbacks in the RL5 zone requires a 50 foot side yard setback along the side property line. The shed is situated closer to the property line, with a setback at 28 feet, therefore variance of 22 ft. is required, *Variances required*, Reference 125-19 and - 125-21
2. Both the subject parcels are pre-existing non-conforming lot size, and the Lot-Line Adjustment will create lot sizes of 2.59 acres for Lot 2A, and 2.3 acres for Lot 2B. [RL5 = 5 acre zone], and as such will *require area Variance*. Reference Zoning sections, 125-15, 125-19, 125-21
3. 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 1,520 sq. ft., & the house is approx. 1064 sq. ft., therefore, *Variance required*, Reference 125-27(A) (4)

4. Total accessory structures allowed is three (3), where a total of four (4) accessory structures are existing on Lot 2A. *Variance required*, Refer 125-27 (A) (6).
5. The request for the lot line amend on both Lot 2A and Lot 2B contain accessory structures situated closer to the fronting street than the principal dwellings, with three on Lot 2A, and two on Lot 2B. *Variance required* refer to Section 125-27 (A) (3).
Note: This project also requires Planning Board approvals.

IV. PUBLIC HEARINGS

7.35 p.m. Rene Schmitt - Single Family Home & Storage Barn - 168 Hilltop Road – Parcel #: 6370-00-459135 – Case # 926

The Building permit application for the construction of several Accessory structures, as well as the temporary classification of an Accessory dwelling as a principal dwelling on the second floor of the Barn, have been reviewed. The property is located in a RC5 zone. The application does not meet several of our Town zoning laws including area and bulk regulations as follows:

1. No accessory structure shall project closer to the fronting street than the principal dwelling. A number of the accessory structures are situated closer to the roadway than the principal dwelling, and as such closer to the road (Hilltop) than the dwelling. *Variance required*, refer to 125-27 (A)(3)
2. All roofed accessory structures shall in the aggregate comprise not more floor area than either the principal building on the lot or 1,500 sq. ft., whichever is more restrictive. The proposed accessory structures appear to total around 4,880 sq. ft., in excess of the allowed 1,500 sq. ft. Variance of 3,380 sq. ft. required, refer to 125-27 (A) (4).
3. The Zoning setbacks in the RC5 zone requires a 100 foot *front yard setback* this proposal included a variation as follows: The proposed Barn is situated 86 feet to the front property line. *Variance required*, Reference 125-21
4. The number of Accessory Structures exceeds the allowable; Code allows no more than three (3) accessory structures shall be permitted on an individual residential lot. This parcel contains five (5) accessory structures, variance required, Reference 125-27 (A) (6)

8 p.m. Red Wing Properties, Inc. - Paul Doherty & Francis Doherty (collectively “Red Wing”) - Soil Mining Operation on White Schoolhouse Road - Tax Parcel # 6270-00-855330 – Parcel Area: approximately 241 acres - Case #923.

This application is an appeal from a determination of the Town Zoning Enforcement Officer dated February 25, 2016, denying Red Wing’s application for a determination that it has a vested right to conduct mining on its White Schoolhouse Road property outside the boundaries of the Town of Rhinebeck Mining Overlay Zoning District as a valid, non-conforming use.

Under the Rhinebeck Town Zoning Law, mining is only allowed on lands located within the boundaries of the Town’s Mining Overlay (Mi-O) Zoning District. In 2015, the Town of Rhinebeck changed the boundaries of the Mi-O Zoning District (Local Law No. 4 of 2015). Before the Mi-O District boundaries were changed, most of Red Wing’s property was located within the Mi-O District. After the change, a large portion of Red Wing’s property is located

outside the Mining Overlay District boundaries. Red Wing asserts on this appeal that they should be able to mine their entire property, even portions of the property outside the Mining Overlay District boundaries, because its mining use is essentially grandfathered as a valid, non-conforming use.

The next two Public Hearings will be continued to the next meeting of the ZBA on Wednesday, June 15, 2016, pending Planning Board approvals.

Keith G. Arndt - Application for demolishing several buildings, and constructing a new Shed, and a new Barn - 6 Long Dock Road - Parcel #: 6070-04-602296. Case # 922.

Application and plan for the demolition of several buildings, construction a new roof on the Well House, building a new storage shed, construction of a new barn, in a property being located in a HP20 zone, as well as the Rhinecliff Overlay District has been reviewed. The application does not meet a number of 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 streets, Rhinecliff Road and Long Dock Road. Several structures do not meet the front yard setback, with the closest 2 structures including the well house at 34 feet and the principal dwelling at 43 feet. *Variance required.* Reference 125-21
2. The Zoning setbacks in the HP20 zone requires a 100 foot rear yard setback. The proposed Barn is situated 47 feet to the rear property line. *Variance required.* Reference 125-21
3. The subject property is a pre-existing non-conforming lot size, at 5.69 acres in a 20 acre zone [HP20]. *Variance required.* 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 3,042 sq. ft. *Variance required* for 1542 sq. ft. Reference 125-27(A) (4)
5. 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 1707 sf., within the required front yard, and 1088 sf within the required rear yard. *Variance required.* Reference 125-27(A) (5)
6. The number of Accessory Structures exceeds the allowable. Code allows no more than three (3) accessory structures on an individual residential lot. This parcel contains six (6) accessory structures. *Variance required,* Reference 125-27 (A) (6)
7. No such (accessory) structure shall project closer to the fronting street than the principal building on the lot. The well house is closer, the property has frontage on two roads [Long Dock & Rhinecliff Road] *Variance required* Reference 125-27 (A) (3)
8. Minimum parking setbacks in the HP20 zone include a min. parking setback of 100 feet from the front property line. This parking area is 56 ft. setback, *Variance required* for the 44 ft. Refer to 125-21, bulk regs.

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

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

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.

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

Paul Antonell & Sandra Williams - 70 Upper Hook Road -The Clubhouse- Parcel #: 6171-00-246858 – Case #924

Application for the renovation of the old barn into four bedrooms, 2 baths with office & storage space, as an associated use with Music Studio on the site, property located in a RA10 zone has 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. The main house is setback at 60 feet. *Variance required, (125-21)*
2. Zoning setbacks in the RA10 zone requires a 100 foot side yard setback. The music studio and the clubhouse barn are situated closer to the property line. *Variances required, (125-21)*

3. The subject property is a pre-existing non-conforming lot size, at 6.4 acres in a 10 acre zone [RA10], and as such will *require an area Variance*, (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 equal to 2,830 sq. ft. *Variance required*, (125-27(A) (4))
 5. No such accessory structure shall exceed 20 feet in height in any residential district. *Variance required*, (125-27 (A) (1))
 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. *Variance required*, (125-27(A) (5))
- Note: Separate Planning Board Approvals are also required for this project.

VI. CORRESPONDENCE

VII. ADJOURNMENT