

**TOWN OF RHINEBECK
ZONING BOARD OF APPEALS
AGENDA
July 6, 2016 - 7:30 PM**

I. CALL TO ORDER

II. MINUTES

Approval of Minutes of June 15, 2016 meeting.

III. NEW BUSINESS

Andrew Solomon-Marienuh (M. Sloan) - 367 River Road- Deer Fence - Grid #: 6071-00-760185 – Case #929

The application for the placement of ten foot high Deer fencing throughout the property located in a HP20 zone, in the LWRP and situated along River Road in Rhinebeck, which is a scenic roadway. The application does *not* meet our Town zoning law as to fencing height, as follows:

1. The fence height does not conform to the fence height limitations of zoning section 125-38, especially paragraph A. “Fences, shall not exceed six feet in height when erected in a required side or rear yard nor exceed four feet in height when erected within 50 feet of the front lot line or highway right-of-way. Except for agriculture and forestry, fencing which exceeds six feet in height or which consists of a solid fence or wall that does not allow for the passage of views shall be subject to the issuance of a special use permit in accordance with Article VI of this Chapter. “

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

Equipment Sales & Rentals (Timely Signs) – 3606 Rte 9G – Grid # 135089-6171-00-984274- Case #930

The sign application for the installation of two non-illuminated signs on that property noted above, located in a RC5 residential zone has been reviewed. The application does not meet several of our Town zoning laws and regulations as follows:

1. Signs for lawful nonconforming uses in residential districts, a Single Identity Sign Not exceeding eight (8) square feet in surface area.. The proposed freestanding sign, double sided at 12 sq. ft. per side. *Variance required*, refer to **125-37 (J)(4)** Permanent Signs within residential districts.
2. Only one sign is allowed in this residential district, RC5, This proposal includes a second sign, to be building mounted, at a size of 10 sq. ft. *Variance required*, refer to **125-37 (J)(4)** Permanent Signs within residential districts.

Please Note; This proposed Sign(s) requires two other approvals before any signage may be placed on site, as follows:

Planning Board design approval of the sign appearance and location, as well as Planning Board Wetlands Permit for placement of the Sign *within* an existing federal ACOE wetlands on this property. *Reference zoning code 125-37 (B) Sign regulations; and 125-40 (A)(5) Development near streams, rivers, wetlands* Further, after all necessary Zoning and Planning Approvals and SEQR determination, the Applicant must obtain a Sign Permit from the Zoning Enforcement office.

IV. PUBLIC HEARINGS

7.35 p.m. David Chapman - Application for Lot Line Amendment – #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.

7.45 p.m 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-Marienuh (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. *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.* Reference 125-27 A. (6)

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

The next Public Hearing will be continued to July 20, 2016.

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.

V. OLD BUSINESS

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)

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. *pal*

VI. CORRESPONDENCE

VII. ADJOURNMENT

