



VILLAGE OF RHINEBECK

VILLAGE OF RHINEBECK ZONING BOARD OF APPEALS MEETING MINUTES

September 20, 2018

Beginning at 7:00 PM
Village Hall, 2nd Floor
76 E Market Street
Rhinebeck, NY 12572

Zoning Board of Appeals: Colton Johnson (Chair), Rachel Cavell, Joshua Pulver, Al DeKrey, Christopher Tavener (Alternate member)
Absent: John Fenton (Code Enforcement Officer)

Agenda:

Jeffrey & Nancy Mayne
108 E. Market Street
Rhinebeck, NY 12572

Request: 1) **Area Variance – (2) Side Yard Variances** – Proposed garage to be rebuilt in the same footprint, but moved no more than 5 ft. as little as 2 ft. backwards towards the rear of the property. *Relief of 8 ft.* The house will be moved up to 3 ft. from the eastern property line to provide relief the neighbors. *Relief of 4.9 ft.*

Chairman Colton Johnson called the meeting to order, and read the positive recommendation with findings from the Planning Board.

Warren Temple Smith, architect for the proposed project appeared before the board to present the Mayne's proposal. He explained the scope of work to include salvaging as many architectural, and building materials as possible to be used in the restoration/new construction for the proposed home. The proposed addition to the rear of the new proposed home, and the proposed garage. The materials salvaged are planned to be reused such as the 12 over 12 windows, the crown molding, and various other building elements from the front rafters that will be use to re-create the streetscape of the home. He also addressed the details provided by Historical Architect Martin Rosenbaum, retained by the Planning Board, whose findings really convinced the Mayne's to restore the home as much as possible, and replicate the home to stay close to the sidewalk in keeping with the relationship of homes on East Market Street. The only change would be it will not be as close to the neighbors to the East. The new proposed garage is back towards the rear of the property, and will extend down the property line to the back of the property. Mr. Mayne added that they will not pursue a porch at this time because they'd like to continue the street line.

Motion by Rachel Cavell to open the public hearing, seconded by Al DeKrey. The motion carried 5 to 0 with all voting aye.

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Isabella Scholtie, 104 E. Market Street, submitted a letter to the Chair and ZBA members objecting to the Planning Board's recommendation and conditions for this application. She explained the history of East Market Street, and felt the history of the street should not be used to restrict these owner's plans for this house. She stated that the owners should be able to move their home further from the street, and not be required to keep it so close. She cited that living so close as she does would cause issues like noise impacts, and odor impacts from the car traffic being for these owners.

Chairman Johnson and the ZBA members commended Ms. Scholtie for drafting this letter, and sharing her concerns. However, many of her concerns are planning related, and not zoning related that the public hearing on the requested variances is addressing.

Peter Sipperley, 38 South Street, agreed with Ms. Scholite that the restriction by the Planning Board to not allow the owners to demolish the entire house should not be allowed. Stating that other homes in the same area were permitted to be demolished.

Steve Paganuzzi, 110 E. Market Street, asked if the Mayne's could confirm the setback, and provide more information about the addition relating to how it will extend the house. Warren Temple Smith explained the addition would extend off the rear of the home, and it is one story to encompass inside a dining room and porch.

Chairman Johnson asked if there were any other neighbors or member of the public who wished to speak seeing none.

Motion made by Rachel Cavell to close the public hearing, seconded by Al DeKrey. The motion carried 5 to 0 with all voting aye.

Chairman Johnson asked if all ZBA members were comfortable with the footage amounts as requested in the 2 side-yard variances. The Board felt it was fair to amend the requested amounts.

Motion was made by Rachel Cavell to amend the request to move the new proposed house up to 5 ft. from the Eastern property line as stated on the variance application submitted. The proposed new garage to be off the property of a minimum of 2 ft. as presented, and to be shown as such on the site plan. Seconded by Al DeKrey with findings. The motion carried 5 to 0 with all voting aye in favor.

Findings:

- The historic architectural elements being taken into account, and the desire by the owners to restore and salvage building materials as much as possible of the current home to be then re-used in their new home is a benefit.
- It is not substantial because the requests will lessen the encroachment to either neighbor on each property line.
- The proposed project and scope of work are not a detriment to the neighborhood.
- There is no other feasible option for the owners to take without causing further financial burden.

Motion made by Al DeKrey to accept the ZBA's findings and adjourn, seconded by Rachel Cavell. The motion carried 5 to 0 with all voting aye in favor.

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Respectfully Submitted;

Ryan Dowden, Zoning Board of Appeals Clerk
(10/01/2018)