



VILLAGE OF RHINEBECK

VILLAGE OF RHINEBECK ZONING BOARD OF APPEALS MEETING MINUTES

February 21, 2019

Beginning at 7:00 PM

Village Hall, 2nd Floor

76 E Market Street

Rhinebeck, NY 12572

Zoning Board of Appeals: Colton Johnson (Chair), Joshua Pulver, Judy Merritt, Christopher Tavener, John Fenton (Code Enforcement Officer)

Absent: Rachel Cavell

Agenda:

PUBLIC HEARING

Eric and Pina Lynch

12 Oak Street

Rhinebeck, NY 12572

Request: 1) **Area Variance – (2) Side Yard Variance(s)** – Proposed 16' ft. x 32' ft. addition to extend the rear of the house. Proposed 18' ft. x 28' ft. garage with upstairs studio apartment with a covered patio. Addition: *Relief of: 1 ft.* and Garage: *Relief of: 5 ft.*

Eric and Pina Lynch appeared before the Board to present their proposed addition and garage that will both need variances to comply with zoning. The addition encroaches 9 ft. into the 10 ft. setback they are asking for a relief of 1 ft. The garage encroaches 5 ft. into the 10 ft. setback they are asking for a relief of 5 ft. Mr. Lynch explained the property does not have a garage and they would like one for their , and the upstairs studio apartment will serve as guest space for family when they visit. Per the advice of the Planning Board the windows were removed on the north side to provide privacy for their neighbors. The new dimensions for the garage are 18 ft. x 28 ft. a slight re-calculation from what appears on the variance application.

Mr. Lynch explained how there are several trees he desired to remove due to the danger they pose to their home and property. Specifically, one walnut that has a dangerous lean, a maple by the location of the proposed garage, a small pine tree that is dying. The 3 trees left on the site plan will remain. He also plans to continue and complete the privacy fence that already exists on the property.

John Fenton, Code Enforcement Officer (ZEO), had questions for Mr. Lynch concerning lot coverage, and the actual measurements of the garage and addition. Based on his calculations his numbers and Mr. Lynch's numbers were not matching. Mr. 76 East Market Street, Rhinebeck, NY 12572-1697 845-876-1922 845-

876-5453 Fax

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Lynch and Mr. Fenton discussed the square footage of each proposed structure, and resolved the discrepancies.

Open Public Hearing

Motion made by Judy Merritt to open the public hearing, seconded by Christopher Tavener. The motion carried 4 to 0 with all voting aye in favor.

Aye: 4 Nay: 0 Abstain: 0

Paul Hallenbeck, 10 Oak Street, objects to the 2 side-yard variances requested because they negatively impact their property. Mr. Hallenbeck submitted pictures of both locations at 10 and 12 Oak Street, and his comments for the record. He explained that the alley that divides the two houses and properties is only 4 ft. wide. The suggested addition encroaching 9 ft. with only 1 ft. of relief would decrease the livability of their property, its value, and availability of natural light. He referenced picture 4, stating the pipes from the sump of 12 Oak Street are exposed, and the water discharges onto 10 Oak Street. That if the proposed addition is granted the roof area increases creating more storm-water runoff this increases the negative impact of additional water on his property. He referenced the backyard that when the garage is being constructed how will the backyard be maintained, and the impact of any dirt mound during excavation would be an additional negative impact to his property. When they went through the planning process for 10 Oak Street to accommodate the parking spaces they followed the rules, and encourages the ZBA to do so by denying the requested side-yard variances.

Mr. Lynch responded to Mr. Hallenbeck's comments stating the same distance between the two homes in the front will remain, and the proposed addition would be kept symmetrical with the home. He believes that because his property is higher than 10 Oak Street therefore should not be any impact to the light and air quality. The purpose of the addition was to create a master bedroom and bathroom downstairs because of their desire to be on the first floor.

The Board asked if the length of the home was increased any improvements made would they support the increased storm-water runoff. Mr. Lynch stated he would attempt to work with his architect to address this concern. John Fenton, ZEO, followed Mr. Lynch stating that specific matters like the handling of storm-water are reviewed during the Planning Board site plan review process that the applicant's still need complete.

Sally Hallenbeck, 10 Oak Street, had concerns with the upstairs apartment above the garage, and the possibility of it becoming used as an Air BnB. She also asked how it is being viewed as under the zoning code. John Fenton, ZEO, replied that it is being treated as a single family dwelling with an accessory structure which is permitted in the Residential District. He also wanted to address the parking questions stating they will be reviewed by the Planning Board.

Mike Ghee, 15 Oak Street, provided some background about 12 Oak Street, and the history of Oak Street. The Lynch's are the 4th recorded owner of the

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property, and he is in favor of what they are proposing. That previous owners and tenants have not been as proactive as the Lynch's, and their proposed plans are a big improvement to what has occurred there with the previous owners and their tenants. He added that the Hallenbeck's are the property owners, and do not live there they have tenants who live there. He feels that 12 Oak Street finally has an owner, and not an absentee landlord. He encourages the ZBA to grant the two area variances.

The Board had questions with the garage's impact to 10 Oak Street, and if it was far enough from the property. Mr. Lynch responded stating the garage should not affect 10 Oak Street and its tenants because of its location on his property, and he is planning additional screening with a fence. He is open to discuss with the owners and the tenants at 10 Oak Street if there are other screening options that could be used following approval from the Planning Board.

The Board returned to the impact of the addition, determining if the relief was actually 1 ft. or 1 ft. 3 inches. It was calculated to actually be 1 ft., and the Board discussed with Mr. Lynch if the addition could be re-designed to not have such an impact to the adjacent property at 10 Oak Street. That if dimensionally the addition could be plotted at 11 ft. 7 in instead of 14 ft. 1 in. To create a narrower addition that would not create such an impact because of how close it is to the property line, and to the view from the second floor at 10 Oak Street. Mr. Lynch and the Board continued to discuss various options and potential dimensions for the addition that could create less of an impact. The Board suggested that the extension be held back to the major plain of the south side to keep the relief limited to 7 ft. The Board advised Mr. Lynch to return to his architect to make modifications, and submit a modified application.

Motion made by Christopher Tavener to request the applicant to return with a modified application showing a limited relief to 7 ft. seconded by Judy Merritt. The motion carried 4 to 0 with all voting aye in favor.

Aye: 4 Nay: 0 Abstain: 0

Motion made by Christopher Tavener to grant the (1) side yard variance for the proposed garage with an upstairs apartment being constructed 5 ft. into the 10 ft. side setback with a relief of 5 ft., seconded by Joshua Pulver. The motion carried 4 to 0 with all voting aye in favor.

John Fenton, ZEO, requested Mr. Lynch to include in the modification and any drafted revised plans the bulk regulations, and a shown bulk regulation schedule.

Chairman Johnson conferred with the Board to draft the findings for the (1) area variance granted for the garage.

Findings:

1. The proposed location of the garage with an upstairs apartment can be achieved by some other feasible method.
2. The proposed garage will not be an undesirable change in the character of the neighborhood, but a benefit to the neighborhood.

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3. The proposed garage will not create any adverse environmental effects in the neighborhood.
4. The alleged difficulty is self-created because Oak Street being made up of small lots due to limited past surveying methods it meets the criteria to grant the request.

Motion made by Judy Merritt to adjourn the hearing to the March 21, 2019 Zoning Board of Appeals meeting, seconded by Christopher Tavener. The motion carried 4 to 0, all voting aye in favor.

Respectfully Submitted;

Ryan Dowden, Zoning Board of Appeals Clerk, (3/8/2019)