



# VILLAGE OF RHINEBECK

ZONING BOARD OF APPEALS  
MEETING MINUTES  
76 EAST MARKET  
RHINEBECK, NY 12572

VILLAGE OF RHINEBECK  
ZONING BOARD OF APPEALS (ZBA)  
MEETING MINUTES (DRAFT)  
VILLAGE HALL, 76 E MARKET STREET  
RHINEBECK, NY 12572

February 20, 2020

Beginning at 7:00 PM

2<sup>nd</sup> Floor, Meeting/Conference Room

Present: Colton Johnson (Chair), Rachel Cavell, Christopher Tavener, Kevin Curry

Absent: Judy Merritt, John Fenton, ZEO

**Agenda:**

**PUBLIC HEARING:**

**Nicholas and Elle Renaldo / Kathryn Whitman, Architect (representing)**

**11 Platt Avenue (Grid# 6170-14-471402)**

**Rhinebeck, NY 12572**

**Request:** One Area Variance – Side Yard – Proposed 3 car garage with playroom space above. To replace existing 1 car garage with storage space above; the proposed new structure would be constructed 2 ft. 11 inches from the eastern property line. The required setback is 10 ft. for side yard, therefore, the ***relief sought of 7 ft. 1 in.***

Meeting was opened by the ZBA Chair, Colton Johnson, and it was determined that there was a quorum of members present in order to meet. ZBA Chair, Colton Johnson asked for a motion to approve the previous meeting minutes from March 21, 2019 and June 20, 2019.

**A motion** was made by Rachel Cavell, seconded by Christopher Tavener, to approve the March 21 and June 20, 2019 meeting minutes as drafted.

Aye: 3    Nay: 0    Abstain: 1                      Motion carried, and minutes approved.  
3 to 0 to 1 (abstain) vote

(Board member, Kevin Curry, was the only ZBA member to abstain because he was not a current ZBA member when these meetings took place at that time)

ZBA Chair, Colton Johnson reviewed the positive recommendation from the Planning Board, and the application with the Board. ZBA Chair, Colton Johnson, read into the minutes the positive recommendation from the Planning Board pertaining to this applicant:

**A motion** was made by John Clarke and seconded by Mary Quinn for a positive recommendation to the ZBA with the suggestion that the ZBA consider two conditions. First



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condition requires drainage from the pavement and the roof of new garage be directed away from the eastern property line. Second condition is for property not to be used for temporary rentals and/or accessory apartment without further approvals. Board stated their findings as same distance from existing garage so that there is not an increase in intrusion into the side yard setback. Septic system also must have ample room to not effect neighboring property.  
Aye: 5    Nay: 0    Abstained: 0    Motion carried by a 5 to 0 vote.

ZBA Chair, Colton Johnson, reminded the Board that the conditions stated in the vote were separate from the variance request, and were primarily items address solely by the Planning Board and not the Zoning Board of Appels.

Project sponsor, Architect Kathryn Whitman presented the variance application, and site plan to the ZBA. Architect Kathryn Whitman identified existing garage and proposed replacement garage. The existing garage is 2.9 feet from the property line. The proposed garage will be shifted back 6 feet to create more turnaround space but will be kept the same distance of 2.9 feet from property line. New proposed garage will be in the same position but will now need relief of for 7-foot 1 inch variance because it is in the side yard setback. Ms. Whitman also identified the area in which an inground pool is proposed. Ms. Whitman identified areas of both the septic and leach field. Ms. Whitman displayed the plans acknowledging the required 35-foot required distance from leach line to the pool. Pool equipment will be kept in the proposed garage. The Board questioned the need for three bays in the garage. Ms. Whitman explained two of the doors will be utilized as one larger garage door to open to the pool but will also serve a dual function as a three-car garage. Neighboring properties include garages that are located on property line. A bathroom above the garage that will be utilized for the pool contains a shower, sink and toilet with no bathtub. There is not a kitchen above the garage. The second-floor space will be only used as a playroom, and the needs of the planned pool. This space will not be used for a temporary living condition space or rental space.

**A motion** was made by Rachel Cavell, to open the public hearing for public comment, seconded by Christopher Tavener.

Aye: 4    Nay: 0    Abstain: 0    Motion carried by a 4 to 0 vote.

Michel and Cynthia Keller, at 5 Platt Avenue, spoke in favor of the project and the new proposed garage. They feel the new owners are combining the historical characteristics of the home and property and did believe the new proposed structure would have a significant impact even though it is close to the property line. They support the design and concept that the new owners have proposed. ZBA Chair, asked if there were any other members of the public who wished to comment, and no additional members of the public had a comment.



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**A motion** was made by Christopher Tavener, to close the public hearing, seconded by Rachel Cavell.

Aye: 4 Nay: 0 Abstain: 0

Motion carried by a 4 to 0 vote.

Board member, Kevin Curry, asked about the eastern elevation, and the two windows delineated on the site plan for that side of the new garage. His concern is that these windows would impact the privacy of the next-door neighbor and suggested to the applicant to consider installing an alternative option like skylights instead. The applicant and Architect Ms. Whitman were open to considering an alternative option and to take into consideration the neighbor's privacy on the eastern side would consider the suggestion. Board member, Christopher Tavener, raised a concern about the amount of relief sought and the overall impact of the proposed new 3 car garage. His concern was that the relief of 7 ft. 1 in. is a considerable amount of impact to the side yard setback, and the greater impact of the considerable size of a new structure when there is nothing to compare it to on Platt Avenue. Board member Tavener, asked if there could be a possibility of reducing the size of the garage, and moving further into the interior of the property since 11 Platt Avenue is one of the larger lots on this street. Architect Kathryn Whitman, stated that if the new structure was to be moved further into the property to eliminate the need for a variance it would impact the installation of the proposed pool due to the conflict with the location of the septic and leach field, and any future access to the back yard. Ms. Whitman added that the applicant needs the 3<sup>rd</sup> car bay for equipment storage, and ample space for the playroom upstairs. The applicant, Mrs. Renaldo, expressed that she believed the proposed design complements the historical character of other homes and outbuildings in the Village, and that if it was to be moved outside of the setback it would impact the outbuilding on the westside of the property. Board member, Christopher Tavener, expressed his concern of the potential precedent being set by granting this impact of a 3-car garage of considerable size, and creating more impervious service. Board member, Rachel Cavell, asked about changes to the landscape, and Ms. Whitman explained there may be an impact to 1 tree located near the proposal. Board member, Rachel Cavell, suggested that any impact to the landscape be fixed and corrected to allow for and return more pervious surfaces.

**A motion** was made by Rachel Cavell, to grant the area variance as presented with the relief sought of 7 ft. 1 in. along with the following conditions; that the second floor space is not used for temporary or short-term rental, the drainage of stormwater run-off is handled so as to not become a negative impact to the neighboring property, that less asphalt is used and best management practices are implemented to create and maintain greenspace. Seconded by, Colton Johnson. The applicant has demonstrated a sufficient effort with her proposal that it would not be an undesirable change. This is based on the lot size and the footprint would be generally similar to what is existing. The proposal is not substantial due to distance from the street to where the new structure will be located. Best management practices will be implemented along with



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maintaining sufficient greenspace, therefore, not a negative impact to the environment. The hardship is not self-created due to the existing garage.

Aye: 3    Nay: 1    Abstain: 0        Motion and variance granted by a 3 to 1 vote.  
(Board member, Christopher Tavener, voted no because he felt the size of the new 3 car garage created too much of an impact to the historical neighborhood of Platt Avenue, the impact of the 7 ft. 1 in. relief was too great, and that it would set a precedent for future applications).

**Motion to adjourn** made by ZBA Chair, Colton Johnson, all voted aye in favor, motion carried by a 4 to 0 vote; the meeting adjourned at 7:47 pm.