

Village of Rhinebeck
76 East Market Street
Rhinebeck, New York 12572
Planning Board Meeting Minutes

August 4, 2020 7:00PM
Zoom Virtual Meeting

Present: David Miller (Chair), Michael Ghee, Mary Quinn, Timothy Decker, John Clark, and BPZ Clerk
Ryan Dowden

New Business:

Joanne and David Gelb – 36 Mulberry St Rhinebeck NY 12572

Request: Area Variance, Rear Yard Variance. Proposed pergola 5 ft from rear property line; relief of 5 ft, proposed bathroom extension 7 ft from rear property line; relief of 3 ft and proposed hot tub 7 ft from rear property line; relief of 3ft. The property is in the Residential District.

The Board reviewed the plans with the applicants and asked why the hot tub is not moved closer to the house so that it will not need a variance. The applicants said they want screens on the sides of the hot tub and want enough space around hot tub for professional landscaping. The Board asked if there was a way of making the pergola smaller so that it doesn't encroach on the setbacks, or doesn't encroach as much, and the applicants said that the backyard is "total sun all the time" and they haven't been able to sit out there. Having a decent size pergola would allow more chairs in a shaded area. The Board asked if the pergola could be moved closer to house and lined up evenly with the bathroom. The applicants replied by saying that the chimney is back there and would be in the way. Mr. Ghee asked if it is possible to move the pergola to the right of hot tub, but the applicants said that the existing side door is right off the kitchen, and where the pergola is planned to be, and they want to keep the pergola as close to the kitchen as possible. The Board suggested that the applicants move the hot tub up by 3 ft, which will rid that variance, reshape the pergola, and move it closer to house in line with proposed bathroom to minimize that variance. The applicants noted that the pergola is a kit that comes in a specific size, and so they would not be able to reshape it. The Board asked if the applicants could reshape the bathroom, making it wider rather than deeper. The applicants explained that not only do they like the style they had proposed, but that it would allow them to be able to maneuver a wheelchair. Ms. Quinn expressed that would be a valid thing to say to the ZBA, that the reason for their design is to help make the shower wheelchair accessible. Mr. Clark let the applicants know that it may be an advantage to show the interior layout to the ZBA when explaining their design, and also recommended that the applicants mention that the garage is historically already encroaching and new development would be less than the existing encroachment. The board mentioned that they had concern for an adjacent property. They recommended that the applicants talk to their neighbors about their plans, prior to the ZBA meeting, in case there is a public hearing in which the neighbor could weigh in and affect their proposal.

The Board said they would prefer a design that doesn't encroach on the setbacks, and explained that the way a variance works is the Zoning Board of Appeals must weigh the benefit of applicants to the character of the neighborhood and the needs of the people there. They reiterated that it would be in the applicants benefit to minimize the variances. The applicants said that their property is undersized and whatever plans they make, they would need a variance. Applicants want to age at home and utilize the 1 story floor plan.

The Board found that there is already an existing encroachment by the garage, fence for privacy on both sides, the neighboring house is well away from the proposed area, the applicant has expressed good reasons for both variances 1 and 2 and they are going to consider ways to make the variances less than as presented to the Planning Board, such as: making the pergola more rectangular or making an adjustment to the shape of #2 so it doesn't encroach as much onto the setback. One more condition, the house is less than the normal house lot and the backyard is small.

Mr. Miller confirmed the applicants would be asking for two variances, #1 and #2, 5ft and 3ft.

Mr. Clark made a **motion for positive recommendation of the Gelb's plans**, seconded by Mr. Ghee.

Roll call vote:

John Clark- Aye
Mike Ghee- Aye
Mary Quinn- Aye
Timothy Decker- Aye
David Miller- Aye

Mr. Miller made a **motion to approve the June 16th, 2020 minutes**, which was seconded by Mrs. Quinn. All in favor.

Mr. Clark made a **motion to approve the July 21st, 2020 minutes** which was seconded by Mr. Miller. All in favor.

Discussion:

The Board discussed the Brogan Center. Mr. Miller mentioned that John Marvin wants to have a meeting to discuss the building. Mr. Decker said he needs to see the Planning Board and justify why the building in the historic district should be torn down, and that he will need to file a demolition permit.

Mr. Clark said he had put together an alternative plan to suggest at the meeting. Mr. Decker said it should not be up to the Board to have a plan, and that the applicant needs to do the design work. He also said they would need a proposal from the applicant and the Board will have to decide then.

Mr. Clark stated that SEQRA law says they cannot segment fractions, and Mr. Decker replied by saying SEQRA law does not come into play until they received a proposal for a document. Mr. Miller said they had not seen a proposal yet. Mr. Decker said the applicant will need to present a case for why that building cannot be used within the existing code. Mr. Clark said there are two options consistent with the current zoning code, and they will have to determine if the school building is a historic building or contributing to the historic district. Mr. Decker said that there is no architectural significance to the building that would support it being classified as contributing to the historic district. Mr. Ghee and Mr. Clark disagreed with Mr. Decker's statement. Ms. Quinn asked if Mike Frazier and Nancy Kelly could give their opinions on the building, and Mr. Miller said that that is why they would have a public hearing.

Mr. Miller mentioned that there was an address change, a fire in the building the 1930s, and an addition built in the 1950s.

Mr. Miller said that the building is approximately 100 years old and in the residential district, and that it will be a big debate to rule on a demolition permit. Mr. Ghee said that knowing the architectural construction, and how well built the building is, he is not in favor of demolition of the older brick part. Mr. Miller suggested that it could maybe be restored, and Mr. Decker said that it would need to keep in doing so with what is permitted in that district. Mr. Miller pointed out that this was all speculation and Mr. Decker said they will need a proposal from an applicant. Mr. Miller suggested that it may be better for Mr. Decker and Mr. Clark to speak with Mr. Marvin. Mr. Clark said he had strong feelings that the building should be saved, and any applicant will have to try and convince him otherwise. Mr. Ghee and Ms. Quinn agreed. Mr. Miller said he would have a hard time knocking down another historic building in Village when it could be restored. Mr. Decker said they would need to consider what can be built and may have to petition the Village Board for an amendment to the zoning that would allow for some feasible use of that structure. He also said it would be up to the applicant to make a proposal for the Village Board to address unless the Board would want to decide on their own. Mr. Clark mentioned that he had made that suggestion; that the Village Board could put in place various overlay districts and they would be allowed to do that at this particular parcel, but no one had bought in so he figured it was tried. Mr. Decker said another thing to consider is that at a public hearing, there may be emotional input from older residents who may have attended the building when it was a school.

Mr. Clark said it may be feasible to divide up rooms into two living arrangements and make the gym either a garage or an office.

Mr. Decker reminded the Board that given what the Church wants to do, if it even can be done, that there would be a huge cost.

Mr. Clark mentioned that the building would need enough space for each lot to have their own septic system and the septic field issue needs to be raised with anyone who will try to subdivide the lot.

Mr. Decker said they would also have to deal with the fact that because it's a state road, there may be concern for curb cuts on East Market St. Mr. Clark said they would probably have a curb cut on Mulberry St, and more than likely frontage on Mulberry.

Mr. Decker also mentioned they will need to consider the neighbors and how they will deal with having construction going.

Mr. Miller said that the existing fencing and large parking area are both detractions in the residential area, and he does not think there is a feasible way of converting the building into a two-family residence.

Ms. Quinn asked if there are any grants for purchasing a property and being able to preserve something so historical. Mr. Decker said he would hope not, given the need for grants to pay for lots of other things, particularly COVID related, that might be a more important use of tax dollars.

Mr. Clark said that tax breaks are available for commercial re-development, and he thought there was for residential as well but that it would have to be over a certain size to make it worthwhile, and it is a lot of paperwork.

Ryan Dowden told the Board that the nine-room proposed hotel has sent electronic revisions and asked if the Board wanted to have a public hearing on August 18th, 2020.

Mr. Clark and Ms. Quinn agreed on scheduling the hearing, but Mr. Decker wanted to know what the revisions are. Mr. Miller said he would look at the revisions and decide whether they are substantial, and the Board will vote on having a public hearing at the next meeting.

Mr. Decker made a **motion to adjourn the meeting**, and it was seconded by Mr. Miller. All in favor. Meeting adjourned.

Respectfully submitted,

Martina McClinton
Village Clerk