

Gardiner Town Zoning Board of Appeals

Final Meeting Minutes

Date 4.28.2022

Present:

Richard Cerruto, Chair

S. Gregory Boyd

David Sterman

Michael MacElhiney

Lisa Lindsley

Nicole Wistrewich, Alternate

Iovieno Application

126 Main Street

Section: 93.068 Block: 2 Lot: 18

The ZBA will be reviewing an Application for regarding the conversion of a single-family residence into a two-family residence.

Representing the Applicant:

Pasquale Iovieno

Jonathan Cella, PE.

R. Cerruto summarized the Application and stated that the Board would be looking at an Area Variance and a Side Setback Variance. The materials that were submitted were reviewed along with the Site Map.

Section 220-11D (2) was reviewed along with discussion on:

Front set-backs, side yard setbacks, maximum impervious surfaces and minimum lot size. The minimum lot size requirement can be reduced if the Applicant completes a successful well-test.

Board Comments:

M. MacElhiney: what will the structure look like when construction is complete?

J. Cella: the outside of the house will look substantially like it currently does

L. Lindsley: asked for detail regarding the submitted Site Plan map

N. Wistrewich: will there be a fence between the lots? We need detail on proposed landscaping. Concern that the paving in the proposed parking lot will result in run-off to neighboring properties.

J. Cella: the paving will not exceed what is permitted in the Code.

D. Sterman: As there is a Wetland Buffer nearby, he expressed concern regarding potential run-off

J. Cella: he reviewed the NYS DEC Mapper and on Question 13A he honestly answered that there are Wetlands nearby. But there are no Wetlands on the parcel.

D. Sterman: as water resources are constrained in the Hamlet, the well test is very crucial

R. Cerruto: went through the ZBA Variance requirements for the Board and the Applicant.

D. Sterman: The Comprehensive Plan encourages "cluster-type" and increased development in the Hamlet. This project will create another rental unit in the hamlet, which is needed.

R. Cerruto: This project will result to an upgrade to a highly visible structure in the Hamlet.

Motion: to grant a Variance , under Section 220-11-B for a Side Yard Set-back

Motion: D. Sterman

Second: M. MacElhiney

Motion: passed : 5-0

R. Cerruto completed the Area Variance & Findings Decision Form

Administration:

G. Boyd informed the Board that he has gained acceptance to a Graduate program and will not have adequate time to serve, going forward.

Appointment of the Vice Chair

Motion: to appoint David Sterman as Vice Chair of the ZBA

Motion: G. Boyd

Second: L. Lindsley

Motion: passed 5-0

Motion: to Adjourn

Motion: N. Wistreich

Second: L. Lindsley

Motion: passed 5-0

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

OFFICE USE ONLY

Application No. AV- _____
Date of Application: _____
(Postmarked or Hand Delivered)
Date of Public Hearing: _____
Date Notice Published: _____
Date of County Referral: _____
Date of Final Action: _____
Date of Filing of Decision with the
Municipal Clerk: _____

Applicant: Pasquale Iovieno

Appeal Concerns Property at the following address:

126 Main St. Gardiner, NY
County Tax Map Section: 93.068 Block 2 Lot 18
Zoning District Classification: HM

Requirement for which Variance is Requested: _____
Side yard setback

Applicable Section(s) of Zoning Code: 220-11-B

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No

Reasons: None, in fact the applicant intends to improve the structure making a positive impact.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No

Reasons: House is already non conforming. Only alternative is to knock down the porch which would make the house look worse

3. Whether the requested variance is substantial: Yes No

Reasons: 60% on east side

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No

Reasons: On balance the improvements appear to be positive.

5. Whether the alleged difficulty was self-created: Yes No ___

Reasons: It was self created by virtue of wanting to add structure (2nd floor) to part of the property, on the other hand the ~~lot~~ house is non-conforming already.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: The applicant will improve the structure and
add a housing unit in a tight ~~lot~~ housing market.
Also, clustered housing is consistent with Town's goals.

The ZBA further finds that a variance of 9' on west side, 4' on east side from Section 220-11-B of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

The house is already non-conforming and has
4' and 9' setbacks as is.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Richard Cerruto
 Chairman, Zoning Board of Appeals 4-28-2022
 Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Richard Cerruto</u>	<u>✓</u>	_____
Member	<u>David Sterman</u>	<u>✓</u>	_____
Member	<u>Michael Macelhiney</u>	<u>✓</u>	_____
Member	<u>S. Gregory Boyd</u>	<u>✓</u>	_____
Member	<u>Lisa Lindsley</u>	<u>✓</u>	_____

Glenn Gidaly

G. Gidaly

5.23.2022

Michelle L. Mosher Filed
5/23/22

Town of Gardiner

MAY 23 2022

RECEIVED