

**Village of Rhinebeck**  
**76 East Market Street**  
**Rhinebeck New York 12572**

**Village of Rhinebeck Zoning Board of Appeals Minutes**

**October 20, 2016**

**Beginning at 7:00 p.m.**

**Present:** Chairman Colton Johnson, Judy Merritt Ward Stanley, Alternate Larry Garrick and Alternate Brant Neuneker.

**Absent:** Allan DeKrey and Rachel Cavell.

**Agenda:**

Chairman Colton Johnson opened the meeting at 7:00 p.m.

**Emil Lienau**  
**47 Knollwood Rd.**

**Area Variance**  
**Front yard setback**

Chairman Johnson read the Planning Boards positive recommendation for relief from the front yard setback requirement and their findings.

**A motion** was made by Larry Garrick, seconded by Judy Merritt, to open the public hearing to comment.

Aye: 5      Nay: 0      Abstained: 0      The motion was carried by a 5 to 0 vote.

There were no comments.

**A motion** was made by Ward Stanley, seconded by Judy Merritt, to close the public hearing from comment.

Aye: 5      Nay: 0      Abstained: 0      The motion was carried by a 5 to 0 vote.

Engineer Mark Graminski presented the proposal. He reviewed history of the property. He explained that the lot was part of an approved subdivision in 1984, this lot being lot 12 of the Lienau Subdivision. Mr. Lienau applied for a building permit in 2000 and at that time the wetland became a NYS Department of Environmental Conservation (DEC) designated wetland. It was field flagged and a National Permit was issued by the DEC in order to construct a residence at a specific location on the property around 2005. The Health Department approval had to then been renewed. Mr. Graminski said he received Health Dept. approval and went back to DEC to modify the previous permit. He currently has both Health Dept. approval and a DEC permit. The DEC permit is very specific to the building's footing size and location. Within the 100 foot buffer, the location is based on the topography for the most optimum spot that also provides a gravity feed to the septic system. The Health Dept. limited the septic fields based on the wetland boundary limit and the actual water in the wetland. A basement for the building is not allowed.

**(Village of Rhinebeck Zoning Board of Appeals Minutes of October 20, 2016, continue) -2-  
(Emil Lienau, continue)**

In summary, Mr. Graminski that the location of the building has been set by the DEC and Health Dept. which provides a hardship in meeting the zoning requirement for front yard setback. The applicant is requesting a 130 foot relief from the front yard setback where the house will be located 155 feet from the street front property line.

A discussion was held regarding the note within the code, section 120-26 table 7, that refers to front yard setback "...structures in the Residential District may be built anywhere within the setbacks of the two adjacent structures on the same side of the street..." Building/Zoning Officer John Fenton explained that because this property is along the Village boundary line, he was not certain that this rule would apply. The neighboring house in the Town of Rhinebeck is set back farther than this proposed house. The Board deliberated and determined that in this part of the Village, a greater front yard setback is appropriate.

**A motion** was made by Larry Garrick, seconded by Ward Stanley, to approve the area variance request as submitted for 130 foot relief from front yard setback requirement to Emil Lienau located at 47 Knollwood Rd. to place a single-family dwelling 155 feet from the front yard property line.

**Findings:** The benefit to the applicant can not be achieved by other means because of the physical nature of the lot. There is no undesirable change in the neighborhood character or to nearby properties. The request is substantial. The request will not have an adverse physical or environmental effect as it has received NYS Department of Environmental Conservation and Health Department approvals with restrictions. The alleged difficulty is not self-created.

Aye: 5      Nay: 0      Abstained: 0      The motion was carried by a 5 to 0 vote.

**Discussion**

**Call for Adjournment:**

**A motion** was made by Ward Stanley, seconded by Brant Nueneker, to adjourn the meeting at 7:20 p.m.

Aye: 5      Nay: 0      Abstained: 0      The motion was carried by a 5 to 0 vote.

Respectfully submitted,

Karen Macfarlane, Clerk

