

Village of Ellenville

Zoning Board

November 27, 2017

Meeting called to order at 6:20 PM by Chairperson Paul Tennebaum.

Also Present: Commissioners Dr. Arthur Lukoff, Keith York, Brian Schug Code Enforcement Officer / Building Inspector II, Abigail Osgood Village Attorney, Roman Stecyk Assessment Field Worker.

Absent with notice: Kenneth Beck, Richard Bradford, Dan Shuster.

Absent without notice: Nathaniel Shorter.

Public Hearing Notice: Chairperson Tennebaum reads the following public hearing notice for the record:

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village of Ellenville Zoning Board of Appeals at its next regular meeting on Monday November 27, 2017 with the public hearing portion to commence at 6:05pm to review the application of Alan Coombe to obtain a use variance to allow two principal structures on one lot of land at 15-17 Cape Ave. (S.B.L. 83-69-1-8) in the Village of Ellenville. According to the Village of Ellenville Zoning | Section 227-24 Number of principal buildings per lot. It specifically states; "There shall be only one principal building per lot in residential districts R-A, R-1 and R-2." Copies of the application submitted for the requested variance are available for review at the Village Clerk's Office. The location of the meeting and public hearing is the Village of Ellenville Government Center, Third Floor, 2 Elting Court, Ellenville, New York.

By order of the Village of Ellenville Zoning Board of Appeals dated November 8, 2017.

Brian Schug comments for the record that the public hearing notice states the public hearing will commence on the third floor, however due to the Village Board meeting taking place on the third floor, and casino training being held in the court; the Zoning Board public hearing will be held on the Second floor. Signs have been posted by the elevator to this effect, and those who go up to the third floor will be ushered down to the second floor by members of the Village Board.

Alan Coombe: Seeks a use variance from the Zoning Board to allow for two principal structures on one lot of land at 15-17 Cape Ave. Mr. Coombe states that the property is located next to an apartment complex: Ellenville Housing Authority, therefore the nature of his proposal fits in with the pre-existing neighboring uses. Furthermore, he is suffering financial hardship because they have already renovated the interior spaces of the accessory building to be a habitable space. An additional hardship is the loss of potential income from the accessory building, if it is unable to be rented due to the current zoning restrictions. The accessory building has a full 2-bedroom upstairs apartment, and a studio apartment below it adjacent to the garage. The property was purchased in 2015, directly from the seller as is. He claims that he was unaware of the zoning restrictions at the time of purchase.

Mr. Coombe is currently paying \$650.00 per month for the home loan. The property was purchased with an existing tenant residing in the studio apartment next to the garage. The tenant was paying \$250.00 per month as rent to the previous owners of the lot. According to Mr. Coombe, his

neighbors are aware of his rental units, and no one has issued complaints. They are on friendly terms. Also stated is the potential hardship of losing property value due to the current zoning restrictions.

Commissioner York's comments are as follows:

1. There is no clear defined lot line on the maps provided to the Zoning Board. What is the zoning classification? Brian Schug reviewed the Village of Ellenville official zoning map and replied that it is in the R-2 residence district, in close proximity to the R-3 residence district.

Brian Schug's comments are as follows:

1. The zoning district R-2 residential allows for a maximum of 2 rented apartments on 1 parcel, not 2 rented homes on a single parcel. The difference is that you can have 1 principal building per lot, and have it rented into a maximum of 2 apartments. Mr. Coombe has 2 houses on a single parcel with a single family main residence and 2 apartments in a separate building.
2. Mr. Coombe needs to show that the parcel can sustain the proposed 2 apartments plus single family home. Things to consider include: parking, yard space, family use, and whether or not there is enough space to safely, and comfortably facilitate that volume of people on a single parcel.

Commissioner Lukoff's comments are as follows:

1. Would it be possible to connect the two buildings, therefore creating 1 large principal building on the lot? Mr. Coombe replied with the suggestion of building a structure to connect the two homes.

Chairperson Tennebaum's comments are as follows:

1. Obtaining a use variance is very difficult. There are four parameters that must be met in order to consider moving forward. The first is to prove via financial evidence that the applicant is under financial hardship, or that they cannot make a reasonable return from the property. The second is to prove that the hardship is unique to this parcel. The third is that it won't change the nature of the neighborhood. The fourth stipulation is to be certain that the alleged hardship is not self-created.
2. The zoning board cannot allow something not within the limits of the law, however our goal is when possible to achieve a mutually acceptable determination avoiding excessive hardship.
3. The next meeting will be on Dec 11th at 6:00pm on the second floor.

Motion by Commissioner Lukoff to continue public hearing, seconded by Commissioner York.

All in favor: Aye, motion carried.

Motions by Commissioner Lukoff to adjourn the meeting, seconded by Commissioner York.

All in favor: Aye, motion carried. Adjourn: 6:42pm.

Respectfully submitted,

Roman Stecyk