

Town of Rockland
Zoning board of appeals
August 16th, 2023
#23-01 Area Variance
Hunter Lake - Ierardi

Members present: Chairman Arthur Reigal, Perry Keuhn, Shelia Schultz

Public Hearing Convened at 7pm by zoom & in person

Christine & Jessie Ierardi are seeking Area variance for a reduction of the Municipal R2 zoning side yard setback 25ft to 21ft to construct an addition on their existing single family dwelling at 660 Hunter lake Rd. Parksville, NY

Christine Ierardi: introduced herself and Husband Jesse Ierardi whom plan construct a 14ft x 28ft addition which would include a bedroom and an expansion of the living room in their existing single-family dwelling at 660 Hunter Lake Rd. The current Municipal zoning requirements for R2 district side yard set backs are 25ft from the property line. The purpose addition would only allow for a 21ft setback requiring a 4ft variance.

Member Keuhn inquired about the pervious case law in regard to area variance and that the request must be diminutions less than 20%. Questions of location and proximity to neighbors, well and septic were raised. Applicants have exhausted all other options in location of the addition due to the location of the two car garage, well and septic .

Member Shultz asked about the existing Water usage and septic with the addition of a bathroom.

Code enforcement Officer Glenn Gabbard: Water usage and Septic tank size is based on the number of bedrooms , not bathrooms . NYS Sanitary Code. A letter submitted from Tom Ward P.E stating the current septic system would sufficient capacity with the additional bedroom.

One neighbors submitted letter, three text messages and several local members of the community spoke positively and were receptive to the addition.

Jesse Ierardi spoke out with positive views of the addition as it would accommodate the young couples desire to start a family in the future and would grant them more room and be in compliance of the 2020 Residential Code of NYS with a 10'x 10' ft bedroom with a closet.

Member Reigal main concern is the mitigating circumstances as previous area variances have been denied in the past. The majority of lots in the Hunter lake community are pre-existing non-conforming lots, with the majority of the side yard setbacks being 5ft or less than the current Municipal set back requirement of 25ft in the R2 district.

A motion to close the meeting was made by Member Schultz and seconded by Member Keuhn.

Public hearing was closed at 7:24pm

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Discussion: All other options including location of addition and reduction of the size of the addition

Resolution: Can not be achieved by other methods

By _____ P. Kuehn _____ Seconded _____ A.Reigal _____

Roll Call Vote: Perry Kuehn – Yes Sheila Shultz – Yes
Arthur Riegal – Yes

3. Whether the requested area variance is substantial.

Discussion: The addition creates a 4ft reduction in the Municipal setback requirement.

Resolution: The area variance is diminutions.

By ____ S. Shultz _____ Seconded ____ P. Kuehn _____

Roll Call Vote: Perry Kuehn – Yes Sheila Shultz – Yes
Arthur Riegal – Yes

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Discussion: No impact on the neighborhood

Resolution: Will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

By ____ P. Kuehn _____ Seconded _____ S. Shultz _____

Roll Call Vote: Perry Kuehn – Yes Sheila Shultz – Yes
Arthur Riegal – Yes

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Discussion: Any new construction is self-created

Resolution: The difficulty is self-created

By _____ A. Riegal _____ Seconded _____ P. Kuehn _____

Roll Call Vote: Perry Kuehn – Yes Sheila Shultz – Yes
 Arthur Riegal – Yes

Zoning Board Action

Approve ___X___ Deny _____ Approve with conditions (below) _____

The area variance as requested by the applicant is hereby approved, the project does meet the requirements of the Town of Rockland Zoning code re: Non-conforming lot with setback reductions.

Resolution by _____ P. Kuehn _____ Seconded _____ S. Shultz _____

Roll Call Vote

Perry Kuehn – yes Sheila Shultz – yes Arthur Riegal – yes

Motion to adjourn made and passed by common consent at 7:46 pm