

TOWN OF ROSENDALE ZONING BOARD OF APPEALS
RONDOUT MUNICIPAL CENTER
1915 LUCAS AVE.
COTTEKILL, NY 12419

DRAFT Minutes
Tuesday, February 17th 2026

Chairwoman Ann Houghtaling called the meeting to order at 7:05 pm.

Roll Call:

Chairwoman Ann Houghtaling	Present
Stephanie Ellis	Present
Alan Krassowski	Excused
Chris Maddern	Present
Kelleigh Mckenzie	Present
Councilperson, Bob Fade	Present
Brisa Casas, Clerk	Present

Minutes:

Motion made by Kelleigh Mckenzie, seconded by Stephanie Ellis, to accept the minutes from January 20th 2026.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Kelleigh Mckenzie –Yes

Motion Carried

Public Hearing:

#2026-1-Area Variance

SBL: 63.5-2-6

Location: 59 Greenkill Road

Applicant: Barbara Berti and Vincent Scillia

Zoning District: R-2

Barbara Berti is present on behalf of this application.

- They would like to build an Accessory Dwelling Unit on their parcel. They applied for an ADU grant from Ulster County. The parcel has an existing single-family residence they currently reside in. Their son's family will move into the main house; they will downsize to the proposed Accessory Dwelling Unit. They do not meet the acreage requirements for

another dwelling pursuant to *Chapter 75: Density Control Schedule*, therefore the variance is necessary.

Motion made by Chairwoman Ann Houghtaling, seconded by Stephanie Ellis, to open the public hearing for this application #2026-1-Area Variance at 7:09pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion Carried

Public Comment: No comments

Motion made by Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie, to close the public hearing for this application #2026-1-Area Variance at 7:12pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion Carried

The SEQRA Part 1 form number question #5 was left blank, the applicant is asked to update the answer.

#2026-2-Area Variance

SBL: 62.82-2-13

Location: 264 Main Street (Rosendale Library)

Applicant: Katie Scott-Childress

Zoning District: R-3 SW

Katie Scott-Childress and Rosendale Library board members are present on behalf of this application.

- The library requested to add onto the existing 1976 section of the building. The proposed addition will add approximately 860 square feet for an ADA accessible bathroom and a separate children’s reading/activity room. Currently the library is one large open room. It is difficult to have quiet space for adults during the same hours as the children’s activities.

Motion made by Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie, to open the public hearing for this application #2026-2-Area Variance at 7:14pm.

Roll Vote: Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion Carried

Public Comments:

Mr. Rowen – He is in favor of this addition and supports the library. He also generously extends his property, located at 280 Main Street, for extra library parking in his garage driveway and side yard.

A letter was received via mail and hand delivered at this meeting, from Laura and Ira Walzer of 8 Central Ave. The letter states they are in support of this proposed addition to the library.

Motion made by Chairwoman Ann Houghtaling, seconded by Chris Maddern, to close the public hearing for this application #2026-1-Area Variance at 7:18pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion Carried

Old Business:

#2026-1-Area Variance

SBL: 63.5-2-6

Location: 59 Greenkill Road

Applicant: Barbara Berti and Vincent Scillia

Zoning District: R-2

Resolution #1 of 2026

WHEREAS, Barbara Berti and Vincent Scillia submitted application #2026-1 for an Area Variance for minimum lot size requirement. The property is located in a Zoning District R2. The property is located at 59 Greenkill Road, Bloomington, New York 12411 Tax ID 63.5-2-6; and

WHEREAS, the ZBA conducted a public hearing on February 17th, 2026 in regards to the above referenced application where all those wishing to be heard were heard; and

WHEREAS, the ZBA has reviewed the Environmental Assessment Form submitted by the applicant, stating there is no environmental impact; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT RESOLVED, that the ZBA hereby determines that the application meets the requirements of the Zoning Code as set forth below.

- 1. An undesirable change will not be produced in the character of the neighborhood.*
 - o The proposed use is residential, and this is a residential neighborhood.*
- 2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance.*
 - o The applicant does not own adjacent/adjoining property that could be consolidated to meet the acreage requirements.*
- 3. The requested area variance is not substantial.*
 - o The requested variance represents .388 acres which is not substantial.*
- 4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*
 - o No structural or landscaping changes will be made.*
- 5. The alleged hardship is self-created.*
 - o The alleged hardship is self-created; the applicant knew or should have known the applicable Zoning Regulations when the property was purchased in 1989.*

BE IT FURTHER RESOLVED, the proposed variance is the minimum variance that is necessary and adequate to achieve the applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that the ZBA therefore grants the requested area variance subject to the following conditions:

- 1. All fees are paid in full.*

Duly adopted this 17th day of February 2026 by the following vote:

Motion made by Chairwoman Ann Houghtaling, seconded by Stephanie Ellis, to approve Resolution #1 of 2026 for application #2026-1-Area Variance-59 Greenkill Road.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion Carried

#2026-2-Area Variance

SBL: 62.82-2-13

Location: 264 Main Street (Rosendale Library)

Applicant: Katie Scott-Childress

Zoning District: R-3 SW

Resolution #2 of 2026

WHEREAS, Katie Scott-Childress of the Rosendale Library submitted application #2026-2 for an Area Variance for minimum yard setback requirements. The property is located in a Zoning District R3SW. The property is located at 264 Main Street, Rosendale New York 12472 Tax ID 62.82-2-13; and

WHEREAS, the ZBA conducted a public hearing on February 17th, 2026 in regards to the above referenced application where all those wishing to be heard were heard; and

WHEREAS, the ZBA has reviewed the Environmental Assessment Form submitted by the applicant, stating there is no environmental impact; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT RESOLVED, that the ZBA hereby determines that the application meets the requirements of the Zoning Code as set forth below.

- 1. An undesirable change will not be produced in the character of the neighborhood.
 - o The proposed use will continue to be as a public library, no change will be produced.**
- 2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance
 - o The applicant does not own adjoining property that could be consolidated to meet the setback requirements. Although there is sufficient space on the south side of the building for expansion, the designation on the State & National Register of historic places precludes an addition. The east side of the building also has sufficient space however, an addition here will have an adverse effect on the physical and environmental conditions with the need for the removal of mature trees.**

3. *The requested area variance is substantial.*
 - *The existing building is non-conforming in regard to setbacks. The space required for the addition increases the non-conformity on the west by 67%*
4. *The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*
 - *The structure will be architecturally harmonious with the existing building and no significant landscaping changes will be made.*
5. *The alleged hardship is not self-created.*
 - *The property was obtained in 1958, prior to current zoning laws.*

BE IT FURTHER RESOLVED, the proposed variance is the minimum variance that is necessary and adequate to achieve the applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that the ZBA therefore grants the requested area variance subject to the following conditions:

2. *All fees are paid in full.*

Duly adopted this 17th day of February 2026 by the following vote:

Motion made by Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie, to approve Resolution #2 of 2026 for application #2026-2-Area Variance-264 Main Street.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion Carried

#2025-4-Interpretation

SBL: 70.34-3-9

Location: 8 Davis Street

Applicant: Martin Einemann

Zoning District: R-2

Martin Einemann and his attorney, Mr. James Bacon, are present on behalf of this application.

The board discusses the following:

- Review of Town of Rosendale Code §75-31
- Review of timeline of the permit issuance and filing of the appeal with the Zoning Board.
- Review of Town of Rosendale Code §75-43

Resolution #3 of 2026

1. *On June 13, 2025 The Code Enforcement Officer/building Inspector issued a building permit to Seth Levy for renovations at his property located at 8 Davis Road, Rosendale, NY. The permit was for renovations to a one family residence including the enclosure of a porch.*
2. *On July 25, 2025 appellant, Mr. Eineman, a neighboring property owner filed a “Complaint of Violation” with the Code Enforcement Office.*
3. *On September 24, 2025, Martin Einemann, appealed the issuance of the building permit alleging that the owner was illegally extending a non-conforming front yard set back to 10 feet instead of 35 feet, and that the owner is illegally converting a non-conforming porch to a living area. The appeal further states that “Code Enforcement has no authority to allow extension of non-conformity without ZBA approval, both relating to the use of the porch as a living space and front yard setback”.*
4. *A properly noticed public Hearing was held on November 18, 2025 and continued until December 16, 2025.*
5. *The public hearing was closed on December 16, 2025.*
6. *A listing of the documents on which this decision is based is annexed hereto and made a part hereof.*
7. *It is noted that a letter that was submitted by Mr. Eineman’s attorney was submitted to this Board on December 17, 2025, a day after the closure of the public hearing,*

DECISION

The filing of the appeal was untimely. NYS Town Law 267-a 5(b) and Town of Rosendale Code 75-43 require that an appeal of a Building Inspector Code Enforcement Officer determination be filed with the Zoning Board of Appeals within 60 days of the

determination. This appeal was not filed until 103 days after the determination was made.

There is case law that provides that the above sections of law should be read to include language that includes 60 days after the appellant should have know of the decision. Even assuming that Mr. Eineman first discovered the work being performed on July 25, 2025 the date that he filed his complaint with the Code Enforcement Office, by filing on September 24, 2025, he missed the 60 day time frame for filing the appeal and the appeal must be dismissed as untimely.

Martin Einemann's appeal is denied based upon it's untimely filing,

In reading through the Town Code, the building department file, and the evidence presented to this Board, it is our determination and decision that the Building Inspector Code/Enforcement Officer properly granted the Building Permit for 8 Davis Road, and deny the appeal of Martin Einemann.

Motion made by Chairwoman Ann Houghtaling, seconded by Chris Maddern, to deny the appeal for application #2025-4-Interpretation with Resolution #3 of 2026.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion Carried

Adjournment:

Motion made by Chairwoman Ann Houghtaling, seconded by Chris Maddern, to adjourn the meeting at 8:13 pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Stephanie Ellis –Yes, Chris Maddern –Yes, Kelleigh Mckenzie –Yes

Motion carried.

Respectfully submitted,
Zoning Board of Appeals Clerk
Brisa Casas