

Town of Rosendale Zoning Board of Appeals

Rondout Municipal Center

1915 Lucas Ave.

Cottkill, NY 12419

Minutes

Tuesday, July 15th 2025

Chairwoman Ann Houghtaling called the meeting to order with the pledge to the flag at 7:03pm

Roll Call:

Chairwoman Ann Houghtaling	Present
Alan Krassowski	Present
Chris Maddern	Present
Kelleigh Mckenzie	Present
Councilman Marc Cassidy	Present
Brisa Casas, Zoning Board Clerk	Present

Minutes:

Motion made by Chris Maddern, seconded by Alan Krassowski, to accept the minutes from May 20th 2025.

Roll Vote: Chairwoman Ann Houghtaling – Yes, Alan Krassowski – Yes, Chris Maddern – Yes, Kelleigh Mckenzie – Abstain

Yes – 3

No – 0

Abstain – 1

Motion Carried.

Public Hearing:

#2025-1-Area Variance

SBL: 62.82-5-30

Location: 316 Main Street Rosendale

Applicant: Anissa Kapsales

Representative: Michael Moriello

Zoning District: R-3 (Both S&W)

Acreage: 0.21

Anissa Kapsales is present on behalf of this application.

The Zoning Board discusses the following with the applicant about this application:

- This Area Variance is for the conversion of an existing outbuilding into a dwelling.

- The building is currently used for storage.
- A survey was recently conducted on the parcel, 316 Main Street.
- The survey revealed an encroachment of this building on the neighboring parcel.
- There is a fence that both Mrs. Kapsales and the neighbor thought determined the property line between their properties. This was incorrect according to the survey.
- They are actively working on a plan to address the encroachment.

Motion made by Chairwoman Ann Houghtaling, seconded by Alan Krassowski, to open the public hearing for application #2025-1-Area Variance-316 Main Street at 7:05pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Alan Krassowski – Yes, Chris Maddern – Yes, Kelleigh Mckenzie – Yes

Motion Carried.

Public Comment:

Kristina Carr - She is in support of this application being approved.

Motion made by Chairwoman Ann Houghtaling, seconded by Chris Maddern, to close the public hearing for application #2025-1-Area Variance-316 Main Street at 7:13pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Alan Krassowski – Yes, Chris Maddern – Yes, Kelleigh Mckenzie – Yes

Motion Carried.

#2025-2-Area Variance

SBL: 62.18-2-24

Location: 1904 Lucas Ave

Applicant: Anthony “Jack” Petruzzelli

Zoning District: R-1

Acreage: 0.90

Jack Petruzzelli is not present however he has a representative, Mr. Richard Hines, who is present on behalf of this application for him.

Mr. Hines introduces himself to the board.

The Zoning Board discusses the following about this application:

- This requested Area Variance is for a fence that is taller than the allowable height pursuant to the Town of Rosendale Code.
- 1915 Lucas Ave is the Rondout Municipal Center which has the Municipal offices of both the Town of Rosendale, the Town of Marbletown and the local The ARC Mid Hudson.

- The cars exit 1915 Lucas Ave directly across from his house. The headlights are becoming a constant nuisance shining into the windows of his home.
- The plantings are costly and ineffective to shield the headlights. Therefore, a fence is necessary.

Motion made by Chairwoman Ann Houghtaling, seconded by Chris Maddern, to open the public hearing for application #2025-2-Area Variance-1904 Lucas Ave, at 7:16 pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Alan Krassowski – Yes, Chris Maddern – Yes, Kelleigh Mckenzie – Yes

Motion Carried.

Public Comment:

No comments.

Motion made by Chairwoman Ann Houghtaling, seconded by Alan Krassowski, to close the public hearing for application #2025-2-Area Variance-1904 Lucas Ave, at 7:23pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Alan Krassowski – Yes, Chris Maddern – Yes, Kelleigh Mckenzie – Yes

Motion Carried.

New Business:

#2025-3-Area Variance

SBL: 62.11-2-3

Location: 31 Lake Hill Road

Applicant: Aaron and Marya Schock

Zoning District: A

Acreage: 2.11

Aaron and Marya Schock are present on behalf of this application.

The Zoning Board discusses the following about this application:

- There is a small existing home and a small cottage on the parcel.
- The current structures do not fit the needs of his family, they are too small.
- When the property was purchased it was intended to be used as a seasonal family home however they fell in love with the property and their plans changed to this location being where they want to set up a permanent family residence.
- He would like the new residence to have a beautiful view of the lake.
- Ulster County is in need of housing and it would be beneficial to keep this existing dwelling to be used as a traditional rental for a local resident.

- He has no intention of using the new proposed building for Short Term Rental.
- He has renovated all the existing buildings on his properties.

Motion made by Chairwoman Ann Houghtaling, seconded by Kelleigh Mckenzie, to set the public hearing for application #2025-3-Area Variance-31 Lake Hill Road to take place on August 19th 2025.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Alan Krassowski – Yes, Chris Maddern – Yes, Kelleigh Mckenzie – Yes

Motion Carried.

Old Business:

ZBA Resolution #1 of 2025

WHEREAS, Anissa Kapsales submitted application #2025-1 for an Area Variance for minimum lot size requirement. The property is located in a Zoning District R3. The property is located at 316 Main Street, Rosendale, New York 12472 Tax ID 62-82-5.30; and

WHEREAS, the ZBA conducted a public hearing on July 15th, 2025 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.
 - The neighborhood is mixed residential and commercial, multi-family use is permitted and the proposed use is multi-family.
2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance.

- The applicant does not own any adjoining lots that could be combined to increase the acreage to meet the requirements. There are no other applicable uses for the property.
- 3. The requested area variance is substantial.
 - The requested variance minimum lot size is 49%. However, no change in structures or property will be made. The proposed unit will be within an already existing building.
- 4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
 - The neighborhood is mixed use residential and commercial, and the proposed use is multi-family residential. No changes to structures or property will be made.
- 5. The alleged hardship is self-created.
 - The alleged hardship is self-created; the applicant knew or should have known the applicable Zoning Law when the property was purchased. However, there is a need for affordable housing in the area, which is in line with New York State's aim to create and improve accessory dwelling units across the state.

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 15th day of July, 2025 by the following vote:

Motion made by Chair Ann Houghtaling, seconded by Chris Maddern, to approve Resolution #1 of 2025 for application #2025-1-Area Variance.

Chair Ann Houghtaling – Yes

Alan Krassowski - Yes

Kelleigh McKenzie - Yes

Chris Maddern - Yes

Roll Vote: Yes - 4, No - 0

Motion Carried

ZBA Resolution #2 of 2025

WHEREAS, Anthony Petruzzelli submitted application #2025-2 for an Area Variance for height requirements of fencing. The property is located in a Zoning District R1. The property is located at 1904 Lucas Avenue Extension, Cottekill, New York 12419 Tax ID 62-18-2-24; and

WHEREAS, the ZBA conducted a public hearing on July 15th, 2025 in regard 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.
 - The property is situated on a County road with no immediate neighbors on either side. There is a governmental facility directly across the street from the property.
2. The benefit sought by the applicant cannot be achieved by some method other than the requested variance.
 - The applicant has taken numerous other measures to mitigate the lighting situation to no avail. There are no other methods that would be able to lessen the impact of the lighting on the applicant and property.

3. The requested area variance is substantial.
 - The requested variance of ten feet exceeds the maximum limit by six foot in the front (60%) and four feet (40%) on the sides.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
 - No structural or landscaping will change.
5. The alleged hardship is not self-created.
 - The alleged hardship was not self-created as the number of lights, the lumens, and vehicle traffic has increased significantly since the property was purchased.

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 15th day of July, 2025 by the following vote:

Motion made by Chair Ann Houghtaling, seconded by Kelleigh McKenzie, to approve Resolution #2 of 2025 for application #2025-2-Area Variance.

Chair Ann Houghtaling – Yes

Alan Krassowski – Yes

Kelleigh McKenzie – Yes

Chris Maddern – Yes

Roll Vote: Yes - 4 , No - 0

Motion Carried.

Adjournment:

Motion made by Chris Maddern, seconded by Chairwoman Ann Houghtaling, to adjourn the meeting at 8:00pm.

Roll Vote: Chairwoman Ann Houghtaling –Yes, Alan Krassowski – Yes, Chris Maddern – Yes, Kelleigh Mckenzie – Yes

Motion Carried.

Respectfully submitted,
Zoning Board of Appeals Clerk
Brisa Casas