



# TOWN OF GARDINER

P.O. Box 1 Town Hall  
Gardiner, NY 12525

January 8, 2019



Building Inspector  
Andrew Lewis  
Tel. 845-255-9675  
Fax. 845-255-9146  
Alewis.tog@gmail.com

Zoning Board of Appeals  
Town of Gardiner

RE: Dorf Subdivision  
143 Aumick Rd.  
Gardiner, NY 12525  
SBL: 92.4-1-57.112

Dear Members of the Board,

Reference is made to the above listed address. The applicant is seeking to subdivide the plot of land existing in the SP-1, SP-2 and SP-3 zoning districts. The existing lot is a conforming 24.48 acres.

The application notes in the Zoning Legend on the plot map the need for variances concerning side yard setbacks and road frontage. The required road frontage in the SP-1 district, where Aumick Rd is located, is 250 feet. The application states the proposed road frontage for 'Lot 1' is to be 47.55 feet.

The Zoning Legend further states the proposed side yard setback to be 34 feet for an existing structure, where the SP-1 district requires 50 feet. These are pre-existing/non-conforming conditions.

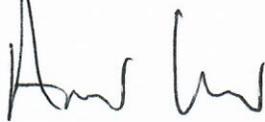
The request to create 'Lot 2' as a flag lot, using the existing driveway easement has been made. The application states the road frontage for 'Lot 2' as 0.0 feet, with a footnote marked with an '\*' stating this request is being made pursuant to Section 220-19(D) of the Town of Gardiner Zoning Code.

Section 220-19(D) addresses flag lots, or rear lots created using less than the required road frontage. However, this Section also states: "*Flag lots are not permitted in the SP district.*" Therefore the applicant should seek a variance to create this flag lot in this zoning district.

Section 220-23 in the Zoning Code titled *Standards for Flag (Rear) Lots*, has no language to address flag lots in any district other than RA. Should this variance be granted, the creation of a flag lot should adhere to the standards spelled out by this code section.

If you have any questions regarding this letter or this application, feel free to reach out to my office in Town Hall.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Lewis". The signature is cursive and somewhat stylized, with the first name "Andrew" and the last name "Lewis" clearly distinguishable.

Andrew Lewis  
Building Inspector  
Code Enforcement Officer  
Town of Gardiner NY

RE: Dorf Subdivision

January 11, 2019

Mr. Andrew Lewis, Building Inspector  
Town of Gardiner  
PO Box 1  
Gardiner, NY 12525

RE: Dorf Subdivision – ZBA application – request for variances

Dear Andrew,

Thank you again for your time reviewing our ZBA application for the proposed Dorf subdivision. As we discussed I am writing to clarify the variances requested in our ZBA application of 12/28/18. and described in your 01/08/19 letter to the ZBA. The variances requested are for pre-existing non-conforming conditions and these conditions are not increased or exacerbated by the proposed subdivision. The variances requested in the application are the following:

1. **Road Frontage - SP#1**- 220.11(B) 250' required, 47.55' existing, variance requested - 202.45'
2. **Side Yard - SP#1** -220.11(B) – 50' required, 16' existing, variance requested – 34.0'
3. **Flag Lot** – 220.19 (D), 220.23 – preexisting non-conforming flag lot

We will look forward to presenting the application to the ZBA at the meeting on January 24. I am confirming that we will be bringing large format plans for the ZBA to review.

Regards,

Matthew Bialecki, AIA  
Bialecki Architects

Cc: M. Dorf, L.Marshall



TOWN OF GARDINER  
ZONING BOARD OF APPEALS APPLICATION

Applicant's Name MICHAEL DORF Phone (917) 613-8333

Applicant's Address 143 AUMICK ROAD, WALLKILL, 12589

Property interest of applicant:

Owner MICHAEL DORF

Contact Purchaser \_\_\_\_\_  
(attach copy of contract)

Tenant \_\_\_\_\_  
(attach copy of lease)

Location of property 143 AUMICK ROAD, WALLKILL, NY 12589

Official street number 143

Tax map designation: Section 92.4 Block 1 Lot 57.112

Please answer all of the following questions:

1. Describe the use you desire to make of the property.

SIMPLE TWO LOT SUBDIVISION OF THE EXISTING  
24.48 AC PARCEL. PARCEL # 1 IS PROPOSED  
TO BE 5AC. AND WOULD CONTAIN AN EXISTING  
RESIDENCE. LOT # 1 IS LOCATED IN SP # 1  
PARCEL # 2 WOULD BE 19.48 AC. AND INCLUDE  
AN EXISTING RECENTLY CONSTRUCTED  
RESIDENCE. LOT # 2 IS LOCATED IN SP # 2/#3  
BOTH LOT # 1 & LOT # 2 WOULD REMAIN  
RESIDENTIAL USES CONFORMING IN LOT AREA  
RESPECTIVELY TO SP # 1 & SP # 2.

2. Describe the uses surrounding property owners make of their properties.

RESIDENTIAL AND OPEN SPACE (PIPC)

3. Will the proposed use increase traffic congestion?

NO

If not, why?

NO NEW STRUCTURES OR OCCUPANCIES ARE PROPOSED

4. Will off-street parking be provided for customers? EXISTING FOR EACH HOUSE

If so, how many spaces? 2+ Size of each space: 10 ft. by 20 ft.

Submit a diagram of the parking available on the site, indicated entry and exit from the public streets. SEE SURVEY

5. List any churches, public buildings, playgrounds and recreation facilities which are located within 500 ft. of the exterior property lines of the property on which the proposed use is to be located.

MINNEWASKA STATE PARK

6. How many persons will be employed by the use?

Full-time NONE

Part-time NONE

7. State the maximum number of customers, clients, patients or patrons expected to be on the premises at any one time. N/A

8. State the size of the lot on which the use is to be located both in square footage and dimensions of front, side and rear lot lines.

Square footage: 24.48 AC

Lot Lines: Front \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft.

9. State the dimensions of the building or structures to be used. If more than one

Building No. 1. VARIES Building No. 2. VARIES Building No. \_\_\_\_\_  
EXIST RESIDENCE EXISTING RESIDENCE  
Size: \_\_\_\_\_ ft. x \_\_\_\_\_ ft. Size: \_\_\_\_\_ ft. x \_\_\_\_\_ ft. Size: \_\_\_\_\_ ft. x \_\_\_\_\_ ft.  
APPROX 3,000 SF. APPROX 4,500 SF

10. How many square feet of usable space is in each building? 3,000 SF & 4,500 SF (APPROX)  
TWO EXISTING RESIDENTIAL BUILDINGS.

Building No. 1 Building No. 2 Building No. \_\_\_\_\_

Usable Sq. ft. 3,000 Usable Sq. ft. 4,500 Usable Sq. ft. \_\_\_\_\_

Sq. ft. to be devoted to proposed use: ALL Sq. ft. to be devoted to proposed use: 4,500. Sq. ft. to be devoted to proposed use: \_\_\_\_\_

11. State the distance of the building in which the use will be located from all front, rear and side property lines. If more than one building or structure is to be used, list each individually.

Submit a drawing diagramming this information.

Building No. \_\_\_\_\_

Distance from property lines: SEE SURVEY

Front: \_\_\_\_\_ ft. Rear: \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Side \_\_\_\_\_ ft.

Building No. \_\_\_\_\_

Distance from property lines:

Front: \_\_\_\_\_ ft. Rear: \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Side \_\_\_\_\_ ft.

Building No. \_\_\_\_\_

Distance from property lines:

Front: \_\_\_\_\_ ft. Rear: \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Side \_\_\_\_\_ ft.

(To be completed by the individual applicant)

STATE OF NEW YORK )  
COUNTY OF ULSTER ) SS

MICHAEL DORE, being duly sworn deposes and that he/she is the person named as the applicant in the foregoing application. He/she has read the foregoing application and knows the contents thereof the same is true to his/her own knowledge, except as to the matters there stated to be alleged on information and belief and as those matter he/she believes it to be true.

SIGNED:

[Signature]  
Michael Dore  
Print name

Sworn to before me  
this 31<sup>ST</sup> day of DECEMBER 2005 2018

[Signature]  
Notary Public

DYLAN ROCKE  
NOTARY PUBLIC-STATE OF NEW YORK  
NO. 01R06339694  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES 04-04-2020

(To be completed by the Corporate Applicant)

\_\_\_\_\_ , being duly sworn deposes and that he/she is the

(title)

(name of corporation)

a \_\_\_\_\_ cooperation, the applicant name in the  
(enter name of State of incorporation)

foregoing application knows the contents thereof, and the same is true to his/her own knowledge except as to matters therein stated to be alleged upon information as to belief and as to those matters he believes it to be true.

SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Print name

Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ 2005

\_\_\_\_\_  
Notary Public

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR <b>MICHAEL DORF / MATTHEW BALECKIA</b>	2. PROJECT NAME <b>DORF SUBDIVISION</b>
3. PROJECT LOCATION: Municipality <b>GARDINER</b> County <b>ULSTER</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>143 NUNICK RD., WALLKILL, NY 12589</b>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>SIMPLE SUBDIVISION OF ONE EXISTING 24.48 AC PARCEL WITH TWO EXISTING RESIDENTIAL STRUCTURES INTO TWO (2) PARCELS WITH ONE HOUSE ON EACH LOT</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>24.48</b> acres    Ultimately <b>24.48</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <b>PROJECT WILL REQUIRE A ROAD FRONTAGE &amp; SETBACK VARIANCE</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <b>PARCEL IS IN A RESIDENTIAL ZONE AND BORDERS MINNEWASKA STATE PARK ON TWO SIDES</b>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>N/A</b>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <b>MICHAEL DORF MATTHEW</b> Date: <b>12/30/18</b> Signature: <b>[Signature] BALECKIA, AIA</b>	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**