



# TOWN OF GARDINER

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



Building Inspector  
Andrew Lewis  
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September 6, 2018

Zoning Board of Appeals  
Town of Gardiner  
Re: Peak Ranch Inn/ Marcinak Proposed Restaurant-Inn

Dear Mr. Chairman and Members of the Board,

I have received and reviewed application for an Area Variance from Peak Ranch Inn LLC, for the proposal of a Restaurant/Inn. This property is located at the corner of Yankee Folly Rd and Route 299 in the Town of Gardiner, SBL 85.2-2-8. This lot is owned by David Marcinak, and is located in the RA zoning district. Along with the application we have received envelopes stamped and addressed to surrounding neighbors, a completed Short EAF, site plans for your review, and a check for \$200 for an Area Variance.

This lot is 1.41 acres and is deemed a Non-Conforming lot as per the Zoning Code. In section 220-28(3) it states: *Any residential use of such a non-conforming lot shall be limited to one single family dwelling.*

The proposed Inn is certainly a residential use as per the definition in section 220-74.

*Residential Use: A use of land and structures in which people live and sleep overnight on a regular basis.*

Furthermore, as per the International Building Code, a hotel or inn is deemed an R-1 residential use.

In section 220-24 of the Zoning Law, the standards for a conforming lot in the RA district are spelled out as 2 acres. Section 220-24 B reads as follows: *If such lot does not meet the standards in C, it shall be subject to the provisions of 220-28 (Non-Conforming Lots).* Subsection C provides a Dimensional Table with a Minimum Lot size of 2 acres.

Upon review of the Short EAF, the applicant should reconsider their response to question 9, regarding conformance with the energy code. Also noted is that sections 2 and 3 of the short EAF have been filled in by the applicant, and should be filled in by the Lead Agency.

Should you have any questions regarding this application, feel free to reach out to me in my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Lewis". The signature is written in a cursive style with a large initial "A" and "L".

Andrew Lewis  
Building Inspector  
Code Enforcement Officer  
Town of Gardiner NY

RE: Peak Ranch/ Marcinak Proposed Restaurant-Inn