



**ZONING BOARD OF APPEALS**  
4 High Street Saugerties, NY 12477  
Tel: (845) 246-2800, ext. 358  
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**February 6, 2023**

**PRESENT:** Bill Schirmer (Chair), Tim Scott Jr, Randy Ricks & Patti Kelly (Alternate)  
**ABSENT:** Henry Rua (Vice-Chair) and Joe Mayone  
**ALSO PRESENT:** Becky Bertorelli (Zoning Board Secretary), Alvah Weeks (Building Inspector/Zoning Administrator)

Schirmer called the meeting to order at 6:59pm. Schirmer-roll call of ZBA members, asked Kelly to serve as a full member and announced that a quorum was reached.

**PLEDGE**

**NEW APPEAL**

**COMMERCIAL STREET PARTNERS: APPLICATION FOR TWO (2) SIDE YARD AREA VARIANCES.**

Chris LaPorta, Passero Associates (Representative)  
260 Glasco Turnpike/Route 9W  
Saugerties, NY 12477  
SBL#: 29.9-5-1.100  
File #: 23-001

The site is located in the High Density Residential (HDR) zoning district. The applicant is requesting a 25' side yard area variance on the north side of the proposed pool location and a 46' side yard area variance on the north side of the proposed maintenance building location. The applicant is building a 160-unit apartment complex, consisting of 16 buildings with 10 units in each. Each unit will have a garage. There is a mix of one and two car garages proposed. There is an access road through Mary's Street but is only used for emergency access only. The applicant is looking to build a maintenance building to store those items needed for property maintenance. The pool location and dimensions on the original site plan, which was approved by the Planning Board, have changed. Once a professional pool designer assessed the location and dimensions it was found it was not adequate and additional space was needed, requiring a side yard setback area variance. Kelly-will there be any buffer between the pool and the neighboring property? LaPorta-currently there is not any because a neighbor requested that the existing brush, which was not appealing and overgrown, be removed. We do propose new landscaping to create a buffer. Kelly-does the 25' variance being requested include the concrete area around the pool? Concerned with the noise that the pool will generate for the neighbors. LaPorta-no, we only included the distance from the pool to the side yard lot line. The concrete area will go up to the proposed fence around the pool, which will be a 6' high pvc fence on the north and west sides. A 4' fence is proposed on the east side. There will be heavy landscaping and the fence to help

mitigate the noise impact. The applicant will be making drainage improvements along Belknap Lane to help with the current water issues. Kelly-the sidewalk around the pool and patio need to be included in the variance request. Would be helpful to stake out the area where the fence will be built and the four corners of the maintenance building. Weeks-anything that is within the fenced area is considered the pool. Kelly-it states that the County owns that strip that runs off of Belknap Lane and down into the applicant's parcel, which is the reason for the variance request for the maintenance building. LaPorta-correct, it is owned by Ulster County and is only 15' wide. Schirmer-nothing currently exists on that strip, except for possible underground utilities. LaPort-we will update the pool area variance request to include the sidewalks and patio area, everything within the fenced area. We can set up a time when the Board members can look at the areas that are part of the variance requests. There is someone on site from Christa Construction during working hours, they are located in the office trailer at the Glasco entrance. Will share contact information with the Board to set up a site visit to look at the proposed pool and maintenance building areas. Will stake out the fenced pool area and the maintenance building.

A motion was made by Kelly, seconded by Scott, to refer to the Ulster County Planning Board (UCPB) for their review/comment. Board vote: Ricks-Aye, Scott-Aye, Schirmer-Aye and Kelly-Aye. Motion carried. A motion was made by Ricks, seconded by Kelly, to declare this a Type II Action under SEQRA. Board vote: Ricks-Aye, Scott-Aye, Schirmer-Aye and Kelly-Aye. Motion carried. A motion was made by Kelly, seconded by Scott, to set the public hearing for March 6, 2023. Board vote: Ricks-Aye, Scott-Aye, Schirmer-Aye and Kelly-Aye. Motion carried.

**JOSEPH SAMALIN: APPLICATION FOR 0.21 ACRE BULK AREA VARIANCE.**

138 Ralph Vedder Road  
Saugerties, NY 12477  
SBL#: 8.1-3-34.100  
File #: 23-002

The 7.79 acre parcel is located in the Low Density Residential (LDR) zoning district with Sensitive Area Overlay (SA) and is . The applicant is requesting a 0.21 acre bulk area variance to build a second home and conform to the 8 acre bulk requirement by zoning. Samalin-when we purchased this parcel in June 2021 it was advertised as an 8.13 acre parcel. With the size we were able to build two homes on the property and conform to the bulk requirements for the district. However, once the property was surveyed it was found to be 7.79 acres, requiring us to request this variance so that we can build the second home. We purchased this property with the sole purpose of building a second home for my family. My parents live in the existing home on the parcel. We need a separate home from parents for many reasons, including health concerns. There is a private road that runs along our property, called Ridgeview, but our access is off Ralph Vedder Road.

A motion was made by Kelly, seconded by Ricks, to declare this a Type II Action under SEQRA. Board vote: Ricks-Aye, Scott-Aye, Schirmer-Aye and Kelly-Aye. Motion carried. A motion was made by Kelly, seconded by Scott, to set the public hearing for March 6, 2023. Board vote: Ricks-Aye, Scott-Aye, Schirmer-Aye and Kelly-Aye. Motion carried.

**PUBLIC HEARINGS**

None

## **OLD BUSINESS**

***THE ZBA HAS NOT YET RECEIVED THE SCOPING DOCUMENT FROM TARPON TOWERS II/VERIZON WIRELESS PERTAINING TO THE PROPOSED CELL TOWER AT THE MT. MARION FIREHOUSE.***

## **BOARD DISCUSSION**

- A motion was made by Kelly, seconded by Scott, to approve the January 9, 2023 ZBA minutes as written. Board vote: Ricks-Aye, Scott-Aye, Schirmer-Aye and Kelly-Aye. Motion carried.
- A discussion followed regarding if the Sawmill Zoning Amendment had been approved. Weeks-yes it has. Becky Bertorelli will look into it and send a copy to the Board.
- Ask Max Stach, Town Planner, when the Lodging and Events comments are due. Kelly-some of the wording currently in the draft can be interpreted in different ways and would like to clean that up. There should be a section on “glamping”.
- The short term rental fees have been extended for 6-months.

## **ADJOURNMENT**

A motion was made by Kelly, seconded by Scott, to adjourn the meeting as there are no further items to discuss. Board vote: Ricks-Aye, Scott-Aye, Schirmer-Aye and Kelly-Aye. Motion carried. Meeting adjourned 7:45pm

Respectfully submitted,

Becky Bertorelli  
*Secretary*  
*Zoning Board of Appeals*